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NATIONAL MINIMUM DRINKING AGE

HEARING

BEFORE THE

SUBCOMMITTEE ON
ALCOHOLISM AND DRUG ABUSE

OF THE

COMMITTEE ON
LABOR AND HUMAN RESOURCES
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

EXAMINING THE TRAGEDY OF ALCOHOL-RELATED AUTO FATALITIES AND WHETHER THE ANSWER TO THIS PROBLEM IS TO INCREASE THE MINIMUM DRINKING AGE TO 21 YEARS OF AGE

JUNE 19, 1984

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NATIONAL MINIMUM DRINKING AGE

TUESDAY, JUNE 19, 1984

U.S. SENATE,
SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE,
COMMITTEE ON LABOR AND HUMAN RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:10 a.m., in room SD-628, Dirksen Senate Office Building, Senator Paula Hawkins, (chairman of the subcommittee) presiding.

Present: Senator Hawkins.

OPENING STATEMENT OF SENATOR HAWKINS

Senator HAWKINS. This hearing will come to order.

Today the Subcommittee on Alcoholism and Drug Abuse will examine the tragedy of alcohol-related auto fatalities and whether the answer to this problem is to increase the minimum drinking age to 21 years of age.

Until 1970, most States had the legal age for buying alcoholic beverages set at 21. In the past decade, however, many States lowered their minimum age and the resulting increases in teenage traffic fatalities has led many to conclude that there should be a uniform national drinking age of 21.

The Insurance Institute for Highway Safety published statistics indicating that on an average, a State that raised its drinking age could expect a 28 percent reduction in night time fatal crash involvement among these young drivers.

In the 31 States that still had a legal minimum drinking age of less than 21 of January 1981, it is estimated that each year there could be about 730 fewer young drivers in night time fatal crashes if this legal drinking age were raised to 21. And since most fatal accidents involving adolescents occur between 10 p.m. and 2 a.m., this is an impressive decrease.

Each year more than 28,000 people die as a result of drunk driving. That is more than 60 deaths per day. Add to the problem of drinking and driving the extra peril of an inexperienced driver—the teenager—and the problem is compounded, too often tragically so.

During the years of 1960 to 1978, the death rate dropped in all age categories except one—the 15- to 24-year-olds, where it has risen. Half of all teenage deaths are due to motor vehicle accidents, and alcohol intoxication is cited as the most common explanation for these tragedies. It has been estimated that each year 8,000 teenagers and young adults are killed in drinking/driving accidents, and 40,000 are seriously injured.

Today we will try to determine whether federally mandating a higher drinking age will satisfactorily address this problem. While we must continue in our efforts to educate young people and their parents to the dangers of alcohol, especially when coupled with driving, we must immediately address the problem of our tragically unsafe roads.

I am particularly pleased to welcome Senator Frank Lautenberg and Senator John Danforth, who will make brief statements. We will allow at this time Senator Danforth and Senator Lautenberg to make their brief statements, and then we have several panels.

The first panel after the Senators will include Diane Steed, who is the Administrator of the National Highway Traffic Safety Administration; Candy Lightner, president, Mothers Against Drunk Drivers; Chris Lubinski, director of public policy of the National Council on Alcoholism; and Chuck Hurley, executive director of the National Safety Council.

At this time we would like to hear from the Senators. Thank you for joining us.

STATEMENT OF HON. FRANK R. LAUTENBERG, A U. S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. Good morning, Madam Chairman. I am pleased to be here this morning to address the need to achieve a uniform drinking age of 21 throughout this Nation. It is my sincere hope that the Senate will move very soon to decide this issue.

Senator Hawkins, the bill I introduced last February, revised in May, which implements a recommendation of the Presidential Commission on Drunk Driving. There has been a lot of concern about what this bill does, and I will briefly explain it because it is a relatively simple matter.

S. 2719 is a bill limited in its scope, duration and impact. It is designed to effectively enhance uniformity in the various minimum ages among States. It is designed to end the enticement for young people to drive in order to drink in adjoining States with lower minimum ages. It respects the rights of States to take action and limit the impact on Federal highway funding.

The Presidential Commission on Drunk Driving recommended a 100 percent cutoff of funds now. This bill gives the States a 2-year grace period. After those 2 years, 5 percent of construction funds in the secondary, primary, interstate and urban programs would be withheld from States refusing to act.

In the second year 10 percent would be withheld, and then the withholding would cease. No highway safety funds would be withheld after, and when a State takes action it gets all of its money back.

This is a modest bill compared to other congressional mandates. Congress in recent years has passed legislation which would withhold all highway funds from States which resist tandem trailers, resist enforcing the 55 mile-an-hour speed limit, or do not perform the auto emission tests. It is an effective mechanism and it will, in this case, save upwards of 1,000 young lives a year.

My concern for this issue does not just stem from the testimony and opinion of experts, although the testimony is voluminous and

the opinions overwhelmingly favorable. My commitment to this legislation, which has passed the House and has the support of the Secretary of Transportation, Elizabeth Dole, and President Reagan, stems from those who sent me to Washington in 1982.

Parents, teachers, students, law enforcement officials, doctors, and insurers have written me numerous letters of support. We see the need for this legislation in New Jersey because our young people are overrepresented in fatal alcohol-related accidents in the four counties of New York which border my State.

That is why so many New Jerseyites were dismayed when New York, ignoring the files of studies and resisting one of the strongest efforts by a Governor on this issue to date, voted down legislation to raise their minimum drinking age. The ramifications of New York's action are great, for they may well determine if uniformity is ever achieved in the Northeast.

The problem is not only found, however, in the Northeast. The border between Illinois and Wisconsin is known as the blood border. Both Senators from Illinois are cosponsors of S. 2719.

Although Wisconsin has a drinking age of 19, the senior Senator and former Governor of that State, Bill Proxmire, is a cosponsor of S. 2719.

There are those who indicate that Governors will not support this effort. I would point out that Governor Allain of Mississippi, where the age for beer is 18, supports this bill. The former Governor of Nebraska, Senator Exon, and the present Governor, Governor Kerry, support this effort.

Madam Chairman, there are those who say the evidence is inconclusive. I regret that time did not allow today for the committee to hear from two of the more prominent voices in favor of a uniform drinking age.

The Insurance Institute for Highway Safety, in a highly controlled study, found an average decrease of 28 percent in nighttime alcohol-related fatalities in eight of the nine States they studied where the drinking age was raised.

The National Transportation Safety Board, under Chairman Jim Burnett, clearly concluded, and I quote, "The most compelling argument for raising the drinking age is the irrefutable statistical evidence that it will save lives." The Board has stated with equivocation that, "available data show a direct correlation between minimum drinking age and alcohol-related accidents in the 18- to 21-year-old age group."

The members of the Transportation Safety Board are appointed not because they have an ax to grind, but because they are experts in understanding and helping this society avoid the terrible consequences of death and injury on our highways.

I would ask that the testimony given before the Congress by the Insurance Institute for Highway Safety and the National Transportation Safety Board be made part of the hearing record.

Senator HAWKINS. Without objection, so ordered.

[The statements referred to follows:]

Statement of Allan F. Williams and Ben Kelley, Insurance Institute for Highway Safety, Before the Subcommittee on Commerce, Transportation, and Tourism, U.S. House of Representatives Committee on Energy and Commerce, Hearing on H.R. 3870, October 19, 1983

The Insurance Institute for Highway Safety is an independent public service organization. It is a nonprofit, tax-exempt scientific and educational organization dedicated to reducing the losses — deaths, injuries, and property damage — resulting from crashes on the nation's highways. Supported by companies writing most of the motor vehicle insurance in the United States, the Institute conducts research involving a wide range of factors that contribute to the huge losses resulting from highway crashes.

As part of this research, the Institute has studied the effects on highway crashes of changes in the legal minimum drinking age. Such research is the focus of this testimony, which you have invited us to present today.

Between 1970 and 1975, some 29 states reduced the legal minimum age for purchasing alcoholic beverages. The minimum age had been 21 in most of these states. It was reduced to 18, 19, or 20 — in most cases, 18. Work conducted by the Institute in the mid-1970s found that in states that *lowered* the drinking age, there were significant *increases* in fatal crashes of drivers under 21 years old, as compared to states where the drinking age laws were not changed. (1) Studies by other researchers in the United States and Canada have also found that lowering the drinking age increases crashes. (2)

Beginning in 1976, there has been a trend toward raising the drinking age to 19, 20, or 21. The majority of states that lowered their drinking ages in the early 1970s have raised them, although usually not back to the previous levels. In 1981, the Institute studied the effects on fatal highway crashes of raising the legal minimum drinking age (3) (Attachment A). All states were studied that had raised their drinking ages and for which sufficient post-law data were available. Nine states were included in the study. (Five were excluded because their law changes were too recent for their effects to be measured at the time of the study.)

Each of the Institute's studies was carefully planned to isolate the effects of drinking-age changes, using established and well-known principles of scientific research design. For example, since numbers of highway crashes and fatalities fluctuate widely over time (for a variety of reasons, known and unknown), simply determining the crash involvement rate of young drivers in a state after the drinking age is raised, and comparing this with the rate before the law was changed, is insufficient. Scientists have long known that such before-after studies may be misleading, because the changes found may result from factors other than the law change.

To rule out the possibility that changes observed in youthful crash involvement in states that raised their drinking ages were merely part of a regional trend, each of the nine states studied was paired with a neighboring comparison state in which the legal minimum drinking age remained unchanged throughout the study period. To rule out the possibility that changes observed in age groups covered by the law were part of a trend occurring at other ages as well, age groups covered by the laws were compared to older drivers, to whom the law changes did not apply.

Comparisons were based on nighttime fatal crashes — especially single-vehicle crashes — which overwhelmingly involve alcohol.

The Institute's study found that, due to the law changes, there were reductions in nighttime fatal crashes among youthful drivers in eight of the nine states studied. There was considerable variation in these reductions — from six to 75 percent. Based on all nine states, there was an average reduction of 28 percent. In only one state, Montana, was there an increase in nighttime fatal crashes among young drivers (14 percent).

The substantial variation in results among the states was to be expected, since they differ in size, population, region, and other respects. In particular, the numbers of drivers in the affected age groups involved in fatal crashes varied tremendously, from a low of 28 drivers in Montana to a high of 538 in Michigan, during the 21 months following the law change in those states. It is well known that such sample size variations lead to considerable variations in results, and it is precisely for this reason that we emphasized overall results rather than those from individual states.

On the basis of the Institute's consistent findings of reductions in nighttime fatal crashes, our researchers concluded that just as lowering the drinking age has a negative effect on highway crashes, raising the drinking age has a positive effect. Numerous other researchers have reported similar results (Attachment B). It was estimated from the Institute's work that each year about 730 fewer young drivers would be involved in fatal crashes in the United States if the drinking age for alcohol were raised to 21 in every state.

Michael M. Birkley, representing the National Licensed Beverage Association, told this subcommittee on October 4, 1983: "The evidence strongly indicates that raising the legal drinking age is likely to result in more, rather than less, alcohol abuse among the underage population, as it did in at least three of the eight states which have recently raised their legal drinking ages and for which sufficient consistent data have been analyzed." (4) He claimed that in only one state among eight studied — Michigan — was there a reduction in highway crashes. In addition to the three states in which he claimed there were increases in youthful crash involvement, according to Mr. Birkley there were four others in which no significant changes occurred subsequent to raising the drinking age. Mr. Birkley concluded that the Insurance Institute's prediction of a 28 percent reduction was incorrect in seven of the eight states studied.

However, Mr. Birkley failed to mention that of the seven states he claimed did not conform to the Institute's prediction, six had in fact been included in the Institute's study and were part of the basis on which the 28 percent average reduction was computed. Five of these six states — including two in which Mr. Birkley reported increases in crash involvement — showed reductions in fatal crashes.

Mr. Birkley referred to the Institute's research results only in the case of Montana, the single state in which an increase was shown. Instead of mentioning the reductions in the other states, he claimed to have evidence showing increases or no changes in youthful involvement in fatal crashes subsequent to raising the drinking age. But most of these data were derived from simple before-after analyses, without appropriate comparison groups. Therefore, they are inappropriate for drawing inferences about the effects of changing the drinking age.

In addition, Mr. Birkley ignored two other states — Tennessee and New Hampshire — included in the Institute's study. Both of these states showed reductions in fatal crash involvement. His conclusions, based as they were on inadequate data and a selective review of the literature, are not valid.

As part of his written testimony, Mr. Birkley also submitted a document entitled "Death and the Legal Drinking Age: A Tri-State Study" (5), which he wrote and in which he claimed that the reductions in crash involvement in Michigan and Illinois after the drinking ages were raised were not as great as reductions in Wisconsin, where the drinking age was not raised. However, this document does not follow accepted procedures of scientific research. Birkley analyzed 1976-1981 Wisconsin data and found a 1981 decline in crash involvement among 18-20 year olds, compared to what he said would have been expected based on 1976-1980 trends. He then compared this 1981 reduction in Wisconsin to a 1980 reduction in Illinois (the first year of the law change in that state) and a 1979 reduction in Michigan (the first year of the law change there). That is, the "comparisons" were based on different years, which invalidates them. (They also involved different age groups in Illinois and Wisconsin, and were based on different measures of crash involvement in Wisconsin, compared to the other two states.)

Birkley claimed that "none of the major drinking age impact studies, including those of the Insurance Institute for Highway Safety ... found any measurable change in highway crash rates among 16- and 17-year-old drivers attributable to lowering or raising the legal drinking age in any jurisdiction." (6) That is incorrect. In fact, the Institute's 1974 study of three areas that lowered the legal minimum drinking age, compared to adjacent areas that did not, indicated "a significant increase in involvement in fatal crashes of drivers under 21 in areas that changed the law .... This occurred not only among the 18-20 year olds to whom the law change applied, but also, though to a somewhat lesser degree, among 15-17 year olds." (1)

Finally, Birkley claimed that a study by Cook and Tauchen on lowering the drinking age supports his own position — namely that an 18-year-old legal drinking age is preferred. (6) However, Birkley failed to cite the conclusion of Cook and Tauchen's study: "A reduction in the minimum drinking age from 21 to 18 for all alcoholic beverage types will result in an increase in the auto fatality rate for 18 to 20 year olds of about seven percent, and a somewhat smaller increase for 16 to 17 year olds .... We are confident in concluding that the cumulative effect of minimum legal drinking age reductions during the early 1970s was to cause a substantial increase in 18-20-year-old auto fatality rates, averaging about 150 lives per year during the mid-1970s." (7)

Based on its research, the Insurance Institute for Highway Safety has concluded that "raising the legal minimum drinking age to 21 in all states would go far toward reducing the annual toll of motor vehicle deaths in the United States, particularly the deaths of young people and of others with whom they are involved in crashes." That conclusion stands.

NOTES

1. Williams, Allan F.; Rich, Robert F.; Zador, Paul L. and Robertson, Leon S. "The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes," *The Journal of Legal Studies*, 4:1(1975), pp. 219-239.

2. A review of relevant research is contained in Smart, Reginald G. and Goodstadt, Michael S. "Effects of Reducing the Legal Alcohol-Purchasing Age on Drinking and Drinking Problems," *Journal of Studies on Alcohol*, 38:7(1977), pp. 1313-1323.

3. Williams, Allan F.; Zador, Paul L.; Harris, Sandra S. and Karpf, Ronald S. "The Effect of Raising the Legal Minimum Drinking Age on Involvement in Fatal Crashes," *The Journal of Legal Studies*, 12(1983), pp. 169-179.

4. National Licensed Beverage Association. Oral Statement Before the Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, U.S. House of Representatives. Hearing on H.R. 3870, October 4, 1983.

5. Birkley, Michael M. "Death and the Legal Drinking Age: A Tri-State Study," *Issue Briefs*. Madison, Wisconsin: The Blaney Institute, April 1983.

6. National Licensed Beverage Association. Written Testimony Before the Subcommittee on Commerce, Transportation, and Tourism, Committee on Energy and Commerce, U.S. House of Representatives. Hearing on H.R. 3870, October 4, 1983.

7. Cook, Philip J. and Tauchen, George. "The Effect of Minimum Drinking Age Legislation on Youthful Auto Fatalities, 1970-1977" (draft). Durham, North Carolina: Duke University, Department of Economics, July 1982.

Safety Information

National Transportation Safety Board
Washington, D.C. 20594

TESTIMONY OF

HONORABLE JIM BURNETT

CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD

BEFORE THE

SURFACE TRANSPORTATION SUBCOMMITTEE

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

UNITED STATES SENATE

REGARDING

EFFORTS TO COMBAT DRUNK DRIVING

JUNE 14, 1984

Mr. Chairman, I am pleased to be here this morning to present testimony on behalf of the National Transportation Safety Board on transportation safety issues of vital importance, and that is the problem of drunken driving on our nation's highways. With me today are Barry Sweedler, Director of the Safety Board's Bureau of Safety Programs and John Moulden, our Alcohol Program Coordinator.

Of all modes of transportation it is on our highways where Americans die, year after year, in numbers higher than any other cause of accidental death in this country, whether transportation related or not. In fact, in the age group 5 - 34, the single leading cause of death is highway crashes -- exceeding other major killers such as cancer and heart disease by wide margins. And of all causes or factors involved in highway deaths, drunk driving is by far the single leading factor.

Over the last several years, victims of alcohol-involved accidents and other anti-drunk driving activists have prompted legislative and program initiatives in most states to curb drunk driving. Special task forces have been created in at least 41 states to study the drunk driving problem and to revitalize state and local programs. Enhanced Driving While Intoxicated (DWI) enforcement programs and tougher penalties for convicted offenders are being imposed in a number of states.

Yet in spite of this increase in legislative and countermeasure activity, drunk driving continues throughout this country. Roughly the same percentage (53 - 58 percent) of all highway fatalities each year involve alcohol. In 1983 alone, approximately 22,500 persons died in alcohol-involved accidents. National Highway Traffic Safety Administration (NHTSA) studies

of injury-producing and property damage accidents also demonstrate the substantial role alcohol plays in these less severe accidents. Nearly 670,000 persons are injured each year in alcohol-involved crashes and some 1,200,000 alcohol-involved property damage accidents occur yearly.

The tragic consequences of alcohol abuse long have been of concern to the Safety Board. Throughout the Board's history, it has observed the over-representation of alcohol-impaired drivers in fatal highway crashes. We have issued safety recommendations to federal, state and local governments, as well as to private organizations, focusing on both specific causes of individual accidents as well as on the general factors which lead to alcohol-involved accidents on our highways.

Most recently the Board has been active in promoting actions we believe are needed to significantly reduce alcohol-involved highway accidents.

For example, on July 22, 1982 the Safety Board called upon all states that had not already done so to raise the minimum legal age for drinking or purchasing all alcoholic beverage to 21 years. We came to this recommendation after investigating a series of catastrophic accidents involving under 21 drinking drivers, as well as evaluating a substantial body of research documenting the strong relationship between increasing the minimum age and a reduction in alcohol-related deaths among young drivers in the affected age group. Let me describe one of the accidents we investigated because I believe it illustrates the type of tragic errors that all too often result when young drivers drive under the influence of alcohol.

About 2:18 a.m. e.s.t. on March 14, 1982 at a railroad/highway grade crossing on Herricks Road in Nassau County, New York, a southbound van, occupied by ten teenagers, was driven around a lowered automatic gate with flashing lights onto the main line tracks of the Long Island Railroad and into the path of an oncoming train. Nine of the ten occupants were killed and one passenger was critically injured. The blood alcohol level of the 19-year-old male owner and apparent driver of the van was .09 percent by weight. New York law determines that a blood alcohol level of .06 to .09 is evidence that the driver's ability is impaired. A level of .10 is considered to be "intoxicated." The minimum legal purchase age for all alcoholic beverages in the State of New York at the time of the accident was 18 years.

This was one of four sample accidents the Safety Board investigated involving young drinking drivers in the 18- to 20-year-old age group. In these four accidents alone there were 30 fatalities and 15 injuries.

Increases in the minimum legal drinking age have had a direct effect -- a demonstrable reduction in alcohol-related deaths and injuries among our nation's youth. By restricting the privilege to purchase or consume alcoholic beverages, the 21 year old minimum legal drinking age has helped reduce the tragic consequences of drunk driving. Since the Safety Board made its recommendation in July 1982, seven states have raised their minimum age to 21; one to age 20; one to 19; three to 19 for beer and 21 for distilled spirits; one to 20 for beer and wine and 21 for distilled spirits; and one to 21 for nonresidents and 19 for residents. Interest in the age 21

issue remains high, and most states that have under 21 age limits expected to consider minimum age bills in this or next year's legislative sessions. The Tennessee Legislature passed age 21 just last month, and when it becomes law it would result in a total of 23 states at age 21.

Also, in September 1982 the Safety Board recommended that all states implement citizen awareness and drunk driver reporting programs such as "REDDI" (Report Every Drunk Driver Immediately).

REDDI programs have provided direct assistance to law enforcement efforts to detect and apprehend drunk drivers. With the aid of the motoring public, the detection capabilities of police have been expanded and the deterrent effect of DWI enforcement programs has been increased. Since the Safety Board recommended to the Nation's Governors that they adopt REDDI-type programs, 12 additional states have adopted such programs. As of August 1983, 18 states had REDDI programs which have reported receiving 49,719 citizen calls, resulting in 12,070 contacts with motorists and leading to 7,662 DWI arrests (63.5 percent of contacts).

In our continuing search for additional measures to address the drunk driving problem, the Safety Board has examined state and local programs, studied efforts in other countries and reviewed the findings of numerous experts in the field of alcohol and highway safety. As a result, we have come to several conclusions as to where we as a nation should focus our efforts to reduce drunk driving.

Clearly both short and long-term solutions are needed. However, we could argue that measures to reduce the real and present danger from the literally thousands of drunk drivers now on our roads would command our highest priority. The 70 deaths and 1,800 injuries Americans suffer each day due to drunk drivers demand that actions be taken that can produce an immediate reduction in the number of alcohol-related deaths and injuries.

If drunk driving is to be reduced significantly in the short term, motorists must be convinced that there is a strong likelihood they will be arrested and penalized if they drive drunk. Most experts agree that many drunk drivers persist in their behavior because they have a perception of low risk of arrest and penalty. In a recent nationwide telephone survey, between 1/4 and 1/3 of the drivers who drink say they believe the chances of being caught and punished are not great enough to deter them from driving after drinking too much. While the rate of drunk driving arrests depends largely on the aggressiveness of local law enforcement efforts, estimates of the probability of arrest vary from as high as 1 in 200 drunk drivers to only 1 in 2,000.

Unfortunately, the impact of increased enforcement efforts also can be blunted by lengthening court backlogs, particularly as the judicial system struggles to impose the toughened penalties which have been enacted recently by state legislatures. The greater the penalty, the more the defendant is provoked to resist by engaging lawyers, demanding jury trials, and other procedures which cause court delays. This increased pressure on the courts can lead to compromises by prosecutors and judges which translate

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into plea bargaining and pretrial diversion programs. Such processes frequently result in the failure to convict on the DWI charge. Thus, even in the unlikely event of an arrest, the offender has a good chance of avoiding most of the negative consequences of his or her offense.

Because of these problems the Safety Board is monitoring the law enforcement, judicial and rehabilitation systems in several states and localities with regard to their treatment of the drunk driver. The purpose of this activity is to determine if there are deficiencies in these systems which allow DWI offenders to repeat their offense and which help to create the impression among many drivers that they can drive after drinking with impunity.

State and local programs must concentrate on increasing the perceived likelihood of arrest and penalty among those who drive drunk. In the vernacular of safety experts, they must maximize the "general deterrence" effects of their programs.

In our most recent effort the Safety Board has recommended that states adopt two drunk driving countermeasures which we believe have the potential to do just that -- dramatically increase deterrence of drunk driving.

On April 3 of this year the NTSB recommended that all states implement the use of sobriety checkpoints and prompt, administrative revocation of drivers' licenses as integral parts of their DWI enforcement and penalty programs.

Police agencies in approximately 21 states are using or have used sobriety checkpoints. These checkpoints can achieve a high deterrent effect because every motorist (out during the late weekend night when checkpoints generally are used) is potentially subject to being stopped, and they also preclude drunk drivers from assuming they can avoid police detection by simply driving "cautiously."

Checkpoints are not substitutes for traditional patrol techniques but are a highly visible additional procedure for increasing deterrence. We have found that public support, especially in jurisdictions using sobriety checkpoints, is quite high.

While motor vehicle administrators historically have had ample statutory authority to revoke or suspend the licenses of drivers who pose a threat to the public, these administrators traditionally have been conservative in the use of that power. The result has been that most motor vehicle departments take no action to suspend licenses of drivers who violate drunk driving or implied consent laws until they receive a formal notice from the court of the conviction of the individual for a drunk driving or implied consent offense. Moreover, many of those who take a chemical test and produce a result over the legal limit also will fail to lose their licenses because of court procedures which permit reduction in charges or pretrial diversion.

We have thus allowed a situation to develop in this country where known drunk drivers, those arrested for DWI and found to have illegal blood alcohol concentrations, are being allowed back on our roads to drive -- sometimes for as long as a year -- until a court trial can be held. And as Marge Charleville from St. Louis and Laura Lamb from Maryland know quite well -- these drunk drivers often drive drunk again with a valid permit in their pockets, resulting in more deaths and injuries. That is why the Safety Board also recommended that states should adopt prompt administrative license revocation procedures (also known as administrative per se) as some 21 states already have done.

The administrative revocation procedure is quite simple. Upon arresting a drunk driver and obtaining a blood or breath alcohol concentration in excess of the state limit (typically 0.10 percent), the police officer takes the offender's driving permit. A temporary permit (typically for 7 - 30 days) is given and the offender can request an administrative hearing on the revocation. However, when the temporary permit expires the DWI offender can no longer drive. His or her permit is revoked for ninety days (typically) regardless of the outcome of the DWI offense in the courts.

The effects of this procedure are two fold -- dangerous drivers are removed from the roads more quickly and the certainty of receiving a penalty for drunk driving is dramatically increased.

While it is difficult to isolate the effects of these two countermeasures on alcohol-related crashes alone, the Safety Board found relevant evidence from the State of Delaware which employs both sobriety checkpoints and administrative license revocation countermeasures.

Delaware is one of the few states which tests nearly all fatally-injured drivers for alcohol. When the number of drivers who were fatally injured and tested for alcohol was added to the number of surviving drivers in fatal accidents who were charged by the police with drunken driving (and also tested for BAC), the number of drinking drivers (BAC greater than 0.05 percent) in fatal accidents decreased by 19.1 percent from 1982 to 1983. This reduction is based on known BAC levels and is not subject to the biases which sometimes occur in police judgments regarding whether a driver was drinking. While more detailed analysis of accident data over a number of years will be required to confirm that this change can be attributed to the new law, this reduction in the number of accident-involved drinking drivers is impressive.

Age 21, REDDI programs, sobriety checkpoints and administrative revocation are the most recent Safety Board recommendations to combat drunk driving. These are measures which we believe are among the most important states can adopt to reduce drunk driving in the short term.

In the long term, a societal norm must be established that makes drunk driving socially unacceptable behavior. Achievement of such a goal is by nature a slow and gradual process requiring decades of effort. The

focus for such an effort must be our nation's youth. Through long-term prevention/education programs in our schools and within our communities, responsible attitudes toward the use of alcohol and driving must be established and reinforced. The Safety Board is concerned that such prevention/education programs may not be receiving the emphasis in our states and localities that they deserve. Therefore, we intend to begin a review of alcohol abuse prevention/education programs to determine if specific Safety Board recommendations in this area are warranted.

Mr. Chairman, I believe there to be no greter threat to transportation safety than the drunk driver. Drunk driving is an epidemic that plagues our nation. I have sketched for you today several countermeasures the National Transportation Safety Board believes should be an integral part of every states' comprehensive alcohol safety program. These measures are by no means sufficient unto themselves. We must all continue our fight at the local, state and national levels, as individuals and as members of concerned organizations, to rid our highways of this persistent tragedy. I pledge to you and this Committee that the National Transportation Safety Board will continue to do its part.

Senator LAUTENBERG. These are but two of the most well-known studies. Others include the Wagenaar study at the University of Michigan which found, "Approximately 20 percent of all of the alcohol-related automobile crashes involving young drivers can be prevented by removing legal access to alcoholic beverages."

The study by Dunham and Detmar at the University of Wisconsin found that those 18 to 20 years old were 50 percent more likely to be involved in alcohol-related accidents than were the 21- to 24-year-olds.

Ralph Higson at Boston University found a significant decrease in teenage nighttime fatal accidents when Massachusetts increased its age from 18 to 20. Compared to a New York control group, Massachusetts showed a decrease of 31 percent.

It is no wonder that Governor Dukakis favors a uniform minimum drinking age. The National Highway Traffic Safety Administration has conducted studies in Illinois and Maine which are equally impressive. Senator Mitchell of Maine is a cosponsor of S. 2719, even though the drinking age in Maine is 20.

Madam Chairman, do the American people support raising the drinking age to 21 nationwide? What do the polls show? A 1983 Gallup poll asked this question: Do you favor or oppose a national law that would raise the legal drinking age in all States to 21?

Seventy-seven percent said yes, and 58 percent of those 18- to 20-year-olds said yes. NBC did a poll in the same year and found that 76 percent said yes. A Lou Harris poll for USA Today found 70 percent saying yes.

The support in the House and in the Senate for this bill indicates that the Congress will say yes if it is allowed to speak. Members from Maine to Florida, from Virginia to California, have come forward to support this action, but they may be silenced by a minority in opposition.

There are those who oppose this bill, and they are certainly making themselves heard. We have heard the argument that if this bill passes, jobs will be lost because young people who work in establishments which handle alcoholic beverages would be fired. Not under this bill. S. 2719 deals with the purchase and public possession, and says nothing of the handling of alcoholic beverages incidental to employment.

It is these side shows which serve to detract members from the importance of this legislation. The skillful lobbyists of the alcohol beverage industry are using statistics like a drunkard used the lampost—more for support than illumination.

Madam Chairman, you and I represent America's families. All over this country, parents are having to come to grips with the environment of drugs and alcohol abuse among our young people. America's families look to us for help in this effort.

Parents in Virginia and Maryland who send their kids to school dances and other functions live in fear that they will drink alcohol easily purchased right here in Georgetown—purchased by those who are 18, 19, and 20, but then given to those who are, who knows—13, 14, 15, 16. And what of those who drive home, or try to, after one of these sprees?

It is high time we got the booze out of the high schools and got on with the education of our children. Those who support this bill

are not high-paid lobbyists; they do not know all the tricks of the trade or the mysteries of the Senate rules.

But they do know the pain of losing a child—a daughter or a son, or a niece or a nephew—to this senseless practice. They come to Washington not asking us the impossible, not asking us to bring back their children, but to help another mother or father avoid the same tragedy. We owe them a hearing and we owe them a bill.

Thank you very much.

Senator HAWKINS. Thank you, Senator.

Senator Danforth.

STATEMENT OF HON. JOHN DANFORTH, A U.S. SENATOR FROM THE STATE OF MISSOURI

Senator DANFORTH. Madam Chairman, thank you very much, and let me express my appreciation to you for holding this hearing. I think that this is very useful for the following reason. You and I know that one of the standard arguments against enactment of any bill is that the Congress has not had enough time to consider the bill.

Usually someone who disagrees with legislation says let us not rush into it, let us take our time, let us hold hearings, and so on. And I have heard that argument made against Senator Lautenberg's amendment, the legislation that we hope to pass to raise the drinking age to 21.

I would simply like to say that this hearing is a further step in the effort to make sure that there is ample airing of the question of the 21-year-old drinking age. In my opinion, there has been ample airing of this subject, dating back to at least 1982.

In the fall of 1982, the Congress enacted a bill which provided incentive grants to States which did a number of things with respect to drunk driving, one of which was to raise the drinking age.

So, nearly 2 years ago the Congress considered, and favorably considered, the question of trying to provide inducements to States to raise the drinking age. In 1983, S. 1108, the omnibus highway safety bill, was introduced and it had a number of features in it, one of which was to provide further incentive grants in the form of additional highway safety money to States that raised their drinking age to 21.

Again, in 1983, in the Commerce Committee we held hearings on the subject of the appropriate drinking age, and as a result of those hearings, at which significant evidence was presented, the Commerce Committee reported out a bill which would provide incentive grants to States that raise their drinking age.

Again last week in the Commerce Committee we held hearings on the question of Senator Lautenberg's approach and the general issue of the drinking age, and had numerous witnesses testify.

So this hearing is a very useful part of a process which has been going on now for at least 2 years, maybe longer, for all I know, but 2 years that I know of, where Congress has addressed itself in depth and repeatedly to the question of the drinking age.

The argument that we have not paid enough attention to this issue is simply fallacious. Not only have we been attentive to the issue, but the administration has as well. As you know, Madam

Chairman, last week the President announced his support for the approach which is advocated by Senator Lautenberg and which has been taken by the House in an amendment which it placed on its highway bill. The administration also has been wrestling with this question for a period of time. I have spoken repeatedly with Secretary Dole about highway safety issues during the past year, and I know that she has had numerous discussions within the administration, with the White House, and with OMB on the question of the drinking age.

So this is not a novel issue; it is not a question which is being rushed through. It is an issue which has been discussed; it has been debated. There have been hearings, of which this hearing is part of a process, and I commend you for being part of that process.

The evidence which has been presented at the hearings is overwhelming. The evidence, put very simply, is that if we were to pass a law which led to the enactment of a uniform 21-year-old drinking age, the result would be that over 1,000 lives would be saved every year.

The evidence is that in the last 75 years, every age group has had its life expectancy increased, except for the age group 15 to 24. And the leading cause of death in that age group has been drunk driving.

You will hear evidence today—and I will not go into it now because you will be hearing it from witnesses far more expert than I am—to the effect that there is a disproportionate amount of drunk driving incidents involving kids between the ages of 18 and 21.

Therefore, the evidence is overwhelming that this legislation would save lives. Unfortunately, the situation that we are in now is that with a patchwork of laws—roughly half the States with a 21-year-old drinking age and the rest with something under 21—there is an incentive for kids to drink and drive. For example, when there is an 18-year-old drinking age 50 miles away, and a 21-year-old drinking age where the youth lives, there is an incentive for that child to get into a car, drive 50 miles, drink, and drive back.

So the present situation is truly perverse and there is an incentive for kids to both drink and drive.

Madam Chairman, there are really two remaining questions for the Congress. The first is a policy question; it is one of weighing relative values. How does the Congress balance the relative values of being able to drink at age 18 on the one hand, versus the saving of 1,000 or more lives a year on the other hand?

It seems to me that to state that question is to answer it. I suppose there is some value to giving an 18-year-old, who it is said is old enough to vote, and old enough to fight, and so on, the freedom to drink.

But it seems to me that when weighed against the statistics, when weighed against the statistical certainty that conferring the privilege of drinking on kids under the age of 21 is going to result in 1,000 deaths or more a year, it is clearly the best policy decision to put our force behind an increase in the drinking age.

Finally, I want to address very briefly the form of this legislation because this is a matter that is going to come up on the floor of the Senate.

The issue is this: Should the Congress be providing incentives, extra grant money, for States that enact a 21-year-old drinking age? Or, in the alternative, should congress use the stick approach instead of the carrot approach, and withhold highway funds from states that do not enact a 21-year-old drinking age?

If I were drafting the law by myself, and passing it all by myself, I would use the carrot approach. I would use incentive grants rather than the withholding of funds.

As a matter of fact, in S.1108, the omnibus safety bill which I introduced in 1983, that was the approach that I proposed. But, Madam Chairman, I am not in the business of passing laws all by myself. Nobody is. There are 535 Members of Congress, and there is a President, and in order to get bills enacted into law, we have to have some reasonable accommodation between the House and the Senate, and between the Congress and the President.

The fact of the matter is that the House has already passed the so-called stick approach—the withholding of funds. The President has been considering since 1983 the carrot approach—the granting of additional funds for highway safety programs. For budgetary reasons, the administration rejected that approach-the approach that I proposed in 1983. Last week, the administration endorsed the approach that Senator Lautenberg is advocating and the approach that the House has taken. The administration is of the view that the way to a uniform drinking age is to withhold highway funds.

Therefore, while I, if handing down laws from on high, would have taken a different approach, I think, Madam Chairman, that the time has come to pass a law. The time has come to stop quibbling about the form of the law.

When over 1,000 lives are at stake each year, it comes time for all of us who have maybe some philosophical views in favor of the incentive rather than the withholding approach to show a little bit of flexibility and a little bit of give and accommodate ourselves to a bill which has been passed by the House, which is supported by the President, and which can, in my opinion, be enacted into law before we recess next week.

Senator HAWKINS. Thank you, Senator. This is a subject of deep concern. In 1981, the Labor and Human Resources Committee cut the budget for NIAAA and NIDA, which fund the studies that we refer to so often.

With your help, we were able to restore it on the floor of the full Senate. They have even had an increase in budget this year since I have been chairman of the Alcohol and Drug Abuse Subcommittee.

This is the first time the Labor and Human Resources Committee has ever held a hearing on the 21-year-old rule, and we feel it makes a more complete record, as you stated, Senator, for us when we take it to the floor.

We appreciate your contribution to the record, and thank you for participating today.

Senator DANFORTH. Thank you very much.

Senator HAWKINS. As I have announced, our next panel will include Diane Steed, who is the Administrator of the National Highway Traffic Safety Administration; Candy Lightner, who is president of the Mothers Against Drunk Driving; Chris Lubinski, who is director of public policy for the National Council on Alcoholism;

and Chuck Hurley, executive director of the National Safety Council.

I believe you all have a short summary of your statements, and then we will proceed with questions. Diane, I believe you have a time problem. We will ask you to testify first, please.

STATEMENT OF DIANE K. STEED, ADMINISTRATOR, NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; CANDY LIGHTNER, PRESIDENT, MOTHERS AGAINST DRUNK DRIVING; CHRISTINE LUBINSKI, DIRECTOR, PUBLIC POLICY OFFICE, NATIONAL COUNCIL ON ALCOHOLISM; AND CHARLES HURLEY, EXECUTIVE DIRECTOR OF FEDERAL AFFAIRS, NATIONAL SAFETY COUNCIL

Ms. STEED. Very good. Thank you, Madam Chairman.

We are very pleased to be here and, in the interests of time, I will summarize the statement this morning.

I think based on what you have heard this morning, there is no question that one of the most serious life-threatening problems we have in this country today is drunk driving.

I think also there is no question that we have a long way to go to solve that problem, but I am pleased today to say that over the last couple of years we have made tremendous progress. We have new laws in a number of States, thanks in part to the 408 alcohol incentive grant legislation.

We have seen increased enforcement on the part of our law enforcement officials across the land. We have seen tremendous citizen support and citizen involvement on the local levels. We have begun to change American attitude's about drinking and driving; we are no longer willing to tolerate drunks on our roadways.

The result of this has been some very real reductions in alcohol-related fatalities. Let me just cite one example. The State of North Dakota experienced a 54-percent reduction in alcohol-related fatalities in the first 6 months of 1984. Other States are experiencing similar reductions in alcohol-related fatalities and injuries.

As I said, there is much more that we can do. For example, one step that we are talking about this morning is raising the drinking age to 21. The Departments find that the statistics supporting this action are overwhelming both in terms of the overinvolvement of people under 21 and in terms of what can happen when a State does raise its drinking age. We strongly support the legislation introduced by Senator Lautenberg, and would urge you and the Senate to act as quickly as possible.

For our part, we will continue to work with the States and with citizen activist groups such as MADD and others to aid in the fight against drunk driving. We think there is much that can be done at the local level to solve this problem.

Again we are pleased to be here and we would be glad to take any questions that you have.

Senator HAWKINS. Since you want to be excused while we hear from the rest of the panel, my Subcommittee on Alcohol and Drug Abuse has held numerous hearings into teenage alcohol and drug abuse.

We have discovered through testimony of the young people that they do not drink beer like kids did in the past. These young witnesses state they buy beer by the case and put it in the automobile for their party out that evening. It is not just a six-pack; it is a case.

We have also had young people testify that in all instances, alcohol was the substance of first abuse, mixed with something else.

Does your National Highway Traffic Safety Administration have any information to corroborate this?

Ms. STEED. We know from talking with local law enforcement that the mixture of alcohol and drugs is very prevalent. We do not, unfortunately, have good statistics on how prevalent it is, but we know as people are arrested and tested for drugs in their system, we often find the combination.

Senator HAWKINS. Do you feel, Diane, that the minimum drinking age should be federally mandated?

Ms. STEED. We believe Federal action as contemplated in the Lautenberg bill is appropriate. As a matter of principle, we believe that laws enacted by the States tend to work better because they have the support and the interest of the local people, and therefore will be strongly enforced at the local level.

As you know, for a long time we were supporting State-by-State action. As we watched the States last year, four States raised the drinking age, but at the same time 19 States defeated moves to raise the drinking age.

We think because of the blood borders problem, because of the continued death and injury of teenagers across the country, that action should be taken now to raise the drinking age to 21 in all States.

Senator HAWKINS. Some States have initiated efforts to combat the teenage drunk driving problem. Iowa created a provisional license for young drivers that is automatically revoked for an alcohol-related offense, and Indiana established that drivers under 18 years of age charged with drunk driving be tried in adult court.

Are those efforts, in your opinion, effective?

Ms. STEED. Yes, from what we have seen, they are. These efforts are relatively new so we do not have good, strong statistics on them—for example, the Iowa or the Indiana situation.

But where States have taken action to place special restrictions on teenagers, we do see an improvement in their overall performance. Let me cite another State where we have seen a marked reduction in teenaged accidents and crashes.

For example, Maryland has taken steps to create a provisional license that limits the time that a teenager can be on the road, and actually keeps them off the roads at the most dangerous time, which is 12 a.m. in the morning until 6 a.m. in the morning.

After taking this step, Maryland has seen a 10-percent reduction in convictions and a 5-percent reduction in crashes on the part of the teenage population. So those kinds of gradual——

Senator HAWKINS. What were those numbers again?

Ms. STEED. A 10-percent reduction in convictions and a 5-percent reduction in crashes.

Senator HAWKINS. Were there any deaths associated with that?

Ms. STEED. I do not believe so, but we could check that and submit it for the record.

Senator HAWKINS. If you would, I would appreciate it.

Ms. STEED. We would be glad to.

[Information supplied for the record follows:]

YOUTH LICENSE CONTROL DEMONSTRATION PROJECT

The Maryland Provisional Licensing Program (PLP) was initiated in early 1979, and required all newly-licensed drivers under 18 to receive a provisional license. Elements of the provisional aspect included a 1:00am to 6:00am driving restriction, and a requirement for 6 months of conviction-free driving for issuance of a regular license.

Principal conclusions were that:

A reduction of 5% in crashes and 10% in convictions were found for the age group as a whole. These reductions were over and above (i.e., found after removing the effects of) downward trends in crashes in Maryland.

The numbers of traffic fatalities per year in Maryland for 16- and 17-year-old drivers are too small and too variable to have expected to find a statistically significant reduction in fatalities produced by PLP; and, indeed, none was found. Although a statistically significant reduction in fatalities was not found for this group, the reduction in the number of fatalities is consistent with the reductions in crashes and convictions which were found. The following table illustrates these points.

FATAL-CRASH DRIVERS (MARYLAND)

	16	17
1975	14	35
1976	22	37
1977	18	35
1978	8	41
1979	8	19
1980	15	29
1981	11	25
1982	9	17

Senator HAWKINS. Could you comment on the effectiveness of citizen involvement programs involving drunk driving, such as Safe Rides Project Graduation and Holidays Ahead? In your opinion, how effective have they been?

Ms. STEED. I think the reason that we are seeing a change in public attitude and the reason that we are seeing reductions in alcohol-related fatalities is due to these citizen involvement programs.

Project Graduation, which we strongly support, was started in Maine. It is my understanding that after they began Project Graduation which helps graduating seniors to enjoy prom and graduation season with alternatives to alcohol parties, they experienced a fatality-free graduation period. So those kinds of activities can pay off enormously.

We also see the Safe Ride program being very effective across the country. It gives a young person who has had too much to drink or must ride with someone in that condition a ride home. We are urging adoption of those kinds of programs in local communities nationwide.

There is another citizen involvement program that is known as the REDDI Program—Report Every Drunk Driver Immediately. This calls on citizens who see a driver that they suspect might be under the influence of alcohol to report that driver to the local authorities immediately.

Where these programs are in effect, and depending on which State and how long they have been in effect, one-third to one-half of the drunk drivers, or alleged drunk drivers reported under the REDDI Program are actually stopped by a local law enforcement officer, and about one-half of the stops lead to an arrest. So we thoroughly support citizen involvement in these kinds of programs. It is the only way to combat drunk driving.

Senator HAWKINS. You heard Senator Danforth mention the blood borders?

Ms. STEED. Yes.

Senator HAWKINS. We have a map up here, do you believe in the theory that Senator Danforth espouses that when one State has 21 and the next State has 18, that people do drive up and get the alcohol, drink it, and come back drunk?

Ms. STEED. We have seen statistics that show that they do. For example, the Washington-Idaho border is a particular problem. About 50 percent of the under 21 drivers involved in fatal traffic accidents over a period of years between those 2 States have been drinking.

The same thing is true of Illinois-Wisconsin and of New Jersey-New York. So, yes, it is a very definite problem, and one of the reasons that we now support a uniform drinking age.

Senator HAWKINS. Thank you very much for your testimony today.

Ms. STEED. Thank you.

[The prepared statement of Ms. Steed follows:]

STATEMENT OF DIANE K. STEED
BEFORE THE ALCOHOLISM AND DRUG ABUSE SUBCOMMITTEE OF THE
SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES.
June 19, 1984

Madam Chairman and members of the Committee, I am pleased to accept your invitation to testify about measures to combat drunk driving. With me at the table is George Reagle, our Associate Administrator for Traffic Safety Programs.

Although we have not appeared before your Subcommittee, we are very familiar with the work being carried out under your jurisdiction. We are pleased to be allied with agencies such as the National Institute for Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA) in the national effort to mitigate the effects of alcohol and drugs on our society. Our ties to NIAAA are reinforced through an interagency agreement we signed last year. Most recently, we worked closely with NIAAA in the successful Lifesavers Conference in Orlando this spring.

Our agency's special role is to deal with the dreadful consequences of alcohol and drugs on the highway. In 1983, more than 22,500 people lost their lives in alcohol-related crashes. Thousands of these were young people. In their immediate and devastating effects, alcohol-related crashes represent the most tragic and senseless threat to public health in America.

Motor vehicle crashes, especially those involving alcohol, are the leading cause of death among teenagers. Persons 18-20 are more than twice as likely as the average driver to be involved in an alcohol-related crash. While teenagers represent only 7 percent of licensed drivers they account for 15 percent of all alcohol involved crashes. We find that almost 60 percent of the fatally injured drivers under 20 years of age have been drinking before the crashes that kill them. But, fortunately, there is something we can do to stop this senseless slaughter. We can raise the drinking age in all States to 21.

Last Wednesday at a "Save Our Students Coalition" rally on the Capitol steps, Secretary Dole announced the Administration's support for a federal requirement that would withhold five percent of a State's highway fund allocation in FY 1987 and ten percent in FY 1988 if it has not enacted a 21-year drinking age. States would receive the funds withheld as soon as they enacted an age 21 provision. This sanction sends an effective message: Americans will no longer tolerate drunk driving.

We know that raising the drinking age to 21 works. New Jersey, for example, raised its drinking age to 21 in 1983 and experienced a 26 percent reduction in nighttime fatal accidents among 19-20 year-olds that year. In all, 23 States now have age 21 laws. Since last fall, four States have raised their drinking ages to 21. But momentum appears to have stalled. Efforts to raise the drinking age to 21 failed in 19 States this year alone.

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The resulting checkerboard of minimum drinking ages which differ from State to State may be creating "blood borders", where young people drive across State lines to drink. In order to protect all Americans, we must increase the drinking age to 21 in all States. We must all work together to win the battle.

While raising the drinking age is critical, that alone is not enough. A broad-gauged effort is required. Of vital importance to this effort is the alcohol safety incentive grant program enacted in 1982 as section 408 of title 23, United States Code. We have approved grants to 15 States. Several of these States have already experienced dramatic reductions in alcohol-related crashes. For example, North Dakota, the first State to qualify for a grant, experienced a 54 percent reduction in alcohol-related fatalities in the first six months of 1984 compared to the same period in 1983. Delaware, the second State to qualify, reduced its alcohol-related deaths by 8% and injuries by 26% in 1983 compared to 1982.

We have seen a tremendous consciousness-raising across America. This must be followed with action by local communities and individuals to rid our neighborhoods of the drunk driving menace. Our society will have to alter deep-seated social patterns. We must change the societal attitude toward drinking and driving. This will not happen easily, or quickly, but with the coordinated efforts of individuals and groups at all levels it will happen. We must persuade drivers that the risks of arrest for driving under the influence is high and that sanctions will be sure and

swift. We must involve citizens throughout the community -- police officers, judges, alcohol treatment personnel, safety activists, press, teachers, and businesses.

More must also be done to encourage responsible behavior among young drivers. We have begun to work with target groups, such as graduating seniors, who are prone to mix drinking and driving. In March, the Department sponsored a national conference in Springfield, Illinois, for "Project Graduation", an effort to translate the successful efforts of States such as Maine (which had no graduation fatalities in 1983) into a nationwide program. From six States in 1983, the program grew to 35 States in 1984, with local efforts in hundreds of communities. S.A.D.D. chapters are springing up rapidly in schools across the country.

To enhance the effects of programs such as "Project Graduation", we have just begun a new public service campaign to combat drunk driving. President Reagan kicked off the campaign on May 14 with a ceremony in the Rose Garden. The presence of Michael Jackson, who received an award from the President for contributing his music to the campaign, drew more national press coverage than any similar campaign has ever received. We believe that the "Drinking and Driving Can Kill a Friendship" campaign will be highly effective in capturing the attention of young people and helping to change their habits.

The combined effect of all our efforts has been and must continue to be a reduction in alcohol-related crashes. Our efforts are paying off. Alcohol-related deaths in 1983 were about 3,000 below the year before.

The percentage of alcohol involvement in fatal crashes fell from 58% in 1982 to 53% in 1983. The Memorial Day holiday for 1984 experienced 21 percent fewer fatalities than the year before. The 1984 New Year was the safest in 35 years. These safer holidays symbolize the growing public awareness of the dangers of drinking and driving.

This is cause for hope -- but not for complacency. I cannot emphasize strongly enough how much this beginning, and all future progress, depends on the joint efforts of everyone: citizens, citizen groups, private-sector organizations, and government at all levels. Enactment of a 21 drinking age in every State is a critical element in ensuring our continued progress.

We are now observing signs that the dangers of drinking and driving have been strongly impressed on the public consciousness. In a Harris poll last month about measures individuals can take to improve their health, the respondents listed the avoidance of drunk driving as their first priority. We have every hope that the interest and energy apparent in the response to our national campaign and among the groups represented in today's hearing will have an even greater effect in the future.

This concludes my statement. I will be glad to try to answer any questions you may have.

Senator HAWKINS. You may be excused.

The next witness will be Candy Lightner, who is president of the Mothers Against Drunk Driving. Welcome, Candy.

Ms. LIGHTNER. Thank you for inviting me. I would like to answer one of the questions first before I give my statement. Operation Safe Rides, which has been in operation in the San Fernando Valley in California since October of last year—according to the Los Angeles Police Department, they have experienced a 75- to 80-percent reduction in alcohol-related crashes since that time period. So it does show that the Safe Ride programs are very effective.

Senator HAWKINS. Seventy-five to eighty percent?

Ms. LIGHTNER. Seventy-five to eighty percent; correct.

Today, 14 teenagers will die and 360 teenagers will be injured in alcohol-related crashes on our highways. The national movement in the early 1970's to lower the drinking age nationwide to 18—an action based strictly on emotional premises, not empirical data—failed to foresee the devastating consequences of the deadly effects or combination of alcohol and driving among our young people.

Each year, nearly 50 percent of all fatal highway crashes involving 18- to 20-year-old drivers are alcohol related. In 1982 alone, 16 percent of America's 21,000 fatal crashes—that is 3,350 young lives—involved 18- to 20-year-old drinking drivers. Yet, this same age group accounts for only 7 percent of the American population.

The idea that it is up to the individual States to raise the drinking age to 21 has proven time and time again to be inadequate and ineffective. Since last fall, 23 States have introduced 21 bills; 19 were soundly defeated.

Recently, when New York's Legislature failed to pass a 21 drinking age bill, Connecticut withdrew their legislature and removed its 21 bill from consideration. The only way to stop this deadly domino effect is to enact a Federal 21 law.

The national checkerboard of differing minimum ages has created blood borders where our young drivers cross over State lines to legally consume alcoholic beverages. There are only three States at the present time without blood borders; that is, California, Alaska, and Florida.

As a prime recommendation of the Presidential Commission on Drunk Driving which recommended that there be Federal legislation on the Federal level to enact a 21—I would like to comment on some of the things that I have heard from various Senators and various opponents on the drinking age of 21.

For example, there is an amendment in right now which has been introduced by Senator Weicker which would call for mandatory jail and mandatory sanctions on the national level because, as he claims, it is a recommendation of the Presidential Commission.

In the first place, it was recommended by the Presidential Commission. However, it was not recommended on the Federal level. The Presidential Commission, in fact, recommended that these kinds of laws be enacted on the State level, and they are through the efforts of local legislators and the grassroots organizations.

The only recommendation made on the Federal level for the Presidential Commission was to enact a 21-year drinking age. I would also like to quote from a paper at this time by Lewis R. Munch from Ithaca College:

Opponents of the 21-year-old purchase drinking age argue that given the high prevalence of young drinkers under the legal age, such legislation would have little effect on the drinking practices and problems among young people. Proponents of the 21-year-old drinking age have not denied that underage use drink, nor have they suggested that raising the age will solve all of our alcohol-related problems." In fact, we just see this as one step in the overall solution to reduced drinking and driving.

However, they do argue that, in the words of one leading authority, in spite of the high prevalence of young drinkers who have tried alcohol at least once, the legal drinking age has the potential for reducing the frequency of drinking occasions, the quantity of alcohol consumed, the frequency of intoxication, and the prevalence of alcohol-related problems from the levels that would prevail without a minimum legal drinking age.

Thus, the legal drinking age is likely to have a significant influence on the ease with which young people can obtain alcohol. Laws obviously cannot totally prevent underage people from using alcohol, but they should not encourage it.

After a comprehensive analysis of the effects of alcoholic beverage control laws for the National Institute on Alcohol Abuse and Alcoholism, a major report concluded:

Even though a minimum age law may be frequently violated, it may work as an effective prevention tool on the consequences of alcoholic beverage use and is a device for affecting the incidence, patterns and circumstances of consumption among a segment of those under the legally defined age.

In fact, research shows that States which do have a 21-year drinking age have 9 percent fewer teenagers drinking than those States which do not.

The World Health Organization underscored the importance of alcohol control policies as a public health issue. It emphasized that consumption is the common denominator behind all types of alcohol-related problems.

The WHO also stated the availability of alcohol is an important factor in the general level of consumption. Age restrictions were the first of many controls cited by this organization.

Critics of higher drinking ages claim that when alcohol is not legally available, young people will probably want it even more simply because of its illegality. Commenting on this forbidden fruit hypothesis, noted author and researcher Reginald G. Smart states, "No really convincing evidence was ever adduced at the time this theory was first promulgated, and probably none could be produced now."

We have worked long and hard on the issue of 21, and I think it is time we do something about it. I am tired of hearing the argument, if I am old enough to fight, I am old enough to drink. You are old enough to fight at the age of 17, but I do not see a national movement to lower the drinking age to 17.

When you enter the armed services, 9 times out of 10 you are sent to a base with a higher drinking age than 18. There are only three States at the present time that have a drinking age of 18, and the only thing that you can drink on the bases is beer at the age of 18. So when you go off the base, you must follow the State law and go with whatever the State law is, so you are really not old enough to fight and drink at the same age.

Also, when you enter the armed services, you are trained and you are supervised. You are not given a gun and told to go kill. That does not happen when you drink and drive. Also, when you

vote, no one is killed, crippled, or maimed from voting, as they are from drinking and driving.

When you fight in Grenada or Lebanon or Vietnam, you are fighting for me. You are there to protect myself; you are there to protect our country, our democracy. But when you get behind the wheel of a car, you are not protecting anybody.

You know, I think it is time that we look at this issue for what it is, and that is saving lives. And I guess I differ with a lot of the people who feel that we are intervening in States' rights. I guess I value human life more than I do States' rights.

Maybe that is a difference in philosophy, but when we are looking at 1,200 lives a year, I think it is time we need to do something. We would much prefer the States do this on their own. We have worked long and hard at the State level, but unfortunately, thanks to groups such as the liquor lobby, we have not been successful.

The legislators are not voting according to their constituents in the State because every State poll that I have seen conducted by the legislators has shown that the majority of those people want 21.

They are voting according to where they are getting their money from, and we cannot counter that; we cannot give them money to counter that. We can only quote statistics. You will hear other statistics today from other groups who have a different interest than we do, and I hope you take that into consideration.

We hope the Senate acts as quickly as the Congress did. We hope that 21 passes soon. Thank you, Senator Hawkins, and thank you for your support on the 21 issue.

Senator HAWKINS. Thank you, Mrs. Lightner. Some States that raised the drinking age had an increase in fatalities——

Ms. LIGHTNER. Such as?

Senator HAWKINS [continuing]. In this age group, while others with no change of age went down. Do you have any statistics on that?

Ms. LIGHTNER. Sure. New Jersey's drinking age went from 19 to 21 in 1982. For the first 6 months of 1983, preliminary statistics showed a 43-percent decrease in alcohol-related fatalities for 17- to 20-year-olds.

Michigan's drinking age went from 19 to 21 in 1978, and in 1979 alcohol-related traffic fatality accident involvement by 18-, 19-, and 20-year-old drivers decreased by 31 percent.

I have heard that in the State of Florida it actually increased by one person when they raised the drinking age. I also know that in the State of Florida, 16 counties did not report. So, you know, I do not know how seriously you can take that, but that's the only State——

Senator HAWKINS. It would depend on the reporting, the veracity.

Ms. LIGHTNER. Right, but that is the only State that I am familiar with that had an increase. Chuck Hurley may be able to answer that question more in depth than I can.

Senator HAWKINS. Since teenagers constitute only 8 percent of the driver population and account for only 6 percent of the vehicle miles traveled in the United States, why do you think they have 15 percent of the drunk driving accidents?

Ms. LIGHTNER. Because they drink a lot. There are over 3.3 million problem teenage drinkers or alcoholic teenage drinkers in this country. I have a daughter that is 17, and tells me many times about her friends' drinking.

Now, they do not drink and drive around her because they are afraid she is going to tell me and I am going to tell everybody on "Good Morning America." [Laughter.]

Ms. LIGHTNER. That is why they also wear their seatbelts, but they do drink, and she says it is very common in her school.

I would like to point out one other thing, though. She also tells me about the parents of these children who come to pick them up from high school dances with drinks in their hands, so they are drinking and driving at the same time.

Senator HAWKINS. The parents?

Ms. LIGHTNER. The parents coming to pick their teenagers up from the proms and the homecoming dances that are actually drinking in the car. Now, California does have an open container law, so it is illegal to do that. So the parents are already breaking the law in front of their teenagers, and already setting a bad example by not only breaking the law, but drinking and driving at the same time.

So I think we have to deal with this at the parental level. If you want to do anything about our teenagers, you have to do something about the parents first in order that they may set a better example for their own children.

Also, the availability of alcohol, as you know, is tremendously easy. Again, my daughter, at 17, recently joined me in a press conference in California in which, with the cooperation of the sheriff's department in Sacramento, she participated in an episode in which they altered her driver's license to make it appear she was 21.

They then took her into four liquor stores. They knew up front which liquor store would do what with her, and told her that before she went in. They were undercover police. The first store she went in, they did not even card her. Now, she is a very attractive 17-year-old and may look 19, but she does not look 21. She was sold a six pack of Budweiser beer.

She went into the second store. They did card her, noticed that it was fake, and would not allow her to buy the beer. The third store carded her and went ahead and allowed her to purchase the beer. The fourth store carded her, and again allowed her to purchase the beer.

So we have a tremendous problem with the availability of alcohol and how easy it is to purchase, and that has to be dealt with, by the way, at the liquor store level and at the bar level.

Senator HAWKINS. How do you feel we can combat the peer and, as you have often stated, the parental approval of alcohol use as normal and socially acceptable?

Ms. LIGHTNER. I think with groups like SADD, for example, that show it is really OK not to drink, and work with peers, work on a peer level against the issue or against drinking and driving, and who work with other teenagers.

I think the idea, contrary to what the drugs groups feel, of the student-parent contract is a good one. I also think the Safe Ride

Program is a good one. The drug groups, I understand, feel that we are condoning drinking among our young people.

We do not feel that we need to condone it. It is being done and we need to deal with the fact that it is being done by providing another means of transportation, hopefully to help save their lives.

So I think it is a matter of education at the younger level and of teenagers working with other teenagers and, you know, showing that it can be a popular issue not to drink and not to drink and drive.

Senator HAWKINS. I had a hearing in April on the role of the media in drug abuse and alcohol abuse education and it was interesting to learn how many of the media stars felt that the media glamorizes the social aspect of drinking.

In Soap operas which the kids watch all afternoon, the doorbell rings—you answer the door and say, "come in, would you have a drink," so that it almost becomes a habit if that is a role model they are following.

Do you agree with the premise that the media could take a more serious role in deglamorizing the attractiveness of drug abuse and alcohol abuse?

Ms. LIGHTNER. I suppose. I am not sure that what you cited actually encourages the abuse of alcohol. It may encourage the use of alcohol, but the abuse of alcohol—that decision is made by the individual person. And I am not sure, you know, what role the media can play besides constantly talking about the ill effects of the abuse of alcohol.

To tell you the truth, Senator Hawkins, I do not have time to watch TV, so I do not know.

Senator HAWKINS. I know what you mean, but all of the stars that testified said that they felt the media could be helpful in deglamorizing it, not making it seem socially acceptable.

We talked about the blood border problem. I have a map there that is rather difficult to see, but as far as you are concerned, are those blood borders accurate today?

Ms. LIGHTNER. Yes. We went over them last night.

Senator HAWKINS. That is correct. We had another agency do that this morning.

Ms. LIGHTNER. Yes.

Senator HAWKINS. Thank you very much much, Ms. Lightner.

Ms. LIGHTNER. Thank you.

Senator HAWKINS. We would now like to hear from Chris Lubinski, who is director of public policy of the National Council on Alcoholism.

Ms. LUBINSKI. Thank you, Senator Hawkins, for affording the National Council on Alcoholism the opportunity to testify in support of the establishment of a national minimum drinking age of 21.

NCA is the oldest and largest voluntary organization in the field of alcoholism dedicated to the alleviation of the disease of alcoholism and the range of problems attendant on the use of alcohol.

I may add that we think it is very appropriate for this subcommittee to take a look at 21 because we consider it a public health as well as a highway safety issue.

Two years ago NCA formally adopted a position on prevention embracing a series of steps in the public policy area designed to reverse the trend in recent decades toward the laxer control of the availability of alcoholic beverages, lower relative prices of such beverages, and the more aggressive advertising and marketing techniques of the alcoholic beverage industry, particularly those aimed at youth.

These trends have been accompanied by a steady and frightening rise in alcoholism and alcohol problems, most tragically exemplified by the increase in alcohol-related traffic fatalities among youth.

The NCA prevention position statement calls for raising the minimum drinking age to 21, curbing alcoholic beverage advertising, requiring health and risk warning labels on alcoholic beverage containers, and increasing taxes on alcohol.

NCA's primary concern in policy discussions related to the establishment of a national minimum drinking age of 21 is a reduction in the consequences of alcoholism and alcohol-related problems among youth.

There is no more tragic manifestation of teenage alcohol abuse than the disproportionate involvement of young people in fatal or crippling drunk driving collisions. Alcohol abuse is the No. 1 youth drug problem in America today, and drunk driving accidents are the leading killer of our youth.

NCA believes that the implementation of all the public policy initiatives in our prevention statement is necessary to substantially reduce alcohol abuse and alcoholism among teenagers and the population at large. Nevertheless, we do believe that the incremental adoption of measures such as the 21 drinking age will make a valuable contribution toward that goal.

And I may interject that many of the opponents of 21 have argued that its proponents see 21 as a panacea for the entire drunk driving problem or, in fact, the entire alcoholism or alcohol abuse problem among teenagers. And I think every group involved in this issue has a much larger agenda for that.

Research studies conducted by the Federal Government, the insurance industry and others have consistently demonstrated that the rate of alcohol-related crashes declines significantly, an average of 28 percent, just after the age of 21.

To put these results in another way, raising the drinking age saves lives in virtually every State where such a policy has been adopted. Seldom does a prevention strategy dealing with any aspect of the public health afford us such dramatic, immediate, and indeed measurable effects.

A study done in Michigan when the drinking age was raised from 18 to 21 in 1978 indicated that the increase in the purchase age had an effect of a 20-percent reduction in injury-producing alcohol crashes among drivers 18 to 20 in the first year; 1,100 fewer drivers were injured than would have been expected without the age change.

Many States have acted in recent years to raise the drinking age, in light of the growing recognition of the causal relationship between the age of purchase of alcohol and the involvement of youth in drunk driving accidents.

To date, 23 States have adopted 21. Yet, this legislative session saw 19 unsuccessful attempts in State legislatures to raise the drinking age to 21. NCA believes that it is time for national leadership in this area if the full benefits of this life-saving prevention strategy are to be realized.

We know that different minimum drinking age laws among States continue to create problems with cross-border purchases of alcohol by youth. A consistent drinking age policy is critical if youth involvement in drunk driving is to be reduced and not merely redistributed among States.

Not surprisingly, concern with the high mortality associated with youth, alcohol, and driving has shifted to include an appraisal of the serious physical, emotional, intellectual, and developmental risks that have been associated with teenage drinking.

NCA perceives the drinking age issue as a public health as well as a highway safety matter. The latest annual survey of high school seniors—and mind you, these are people who are lucky enough to become seniors—utilized to measure drug incidence reported that 41 percent of those surveyed said they had taken five or more drinks in a row during the 2 weeks preceding the survey.

Our attitude as a nation toward teenage drinking should not vary by region or by State, nor should it distinguish among the kinds of alcoholic beverages consumed by our young people. Alcohol is alcohol, and its consumption by teenagers in beer or vodka, in New York or California, poses equal hazards for the still developing minds and bodies of our Nation's youth.

Every study and survey available on the subject of alcohol and youth—and a great deal more study in this area is needed—indicates that young people are drinking in increasing numbers and beginning to drink at earlier and earlier ages.

Although it is unreasonable to suggest that establishing a national minimum drinking age of 21 will eliminate all youthful alcohol consumption, NCA views it as one public policy that reduces alcohol availability, and consequently the public health problems associated with alcohol and youth.

We believe that the nonuse of alcohol is the most prudent course for teenagers. The alcohol beverage industry continues to spend unprecedented sums of money depicting alcohol consumption as a glamorous and exciting activity which serves as a necessary rite of passage to successful adulthood.

Such advertising has contributed to a public health problem of epidemic proportions, with a multibillion-dollar price tag, which continues to deplete our Nation of its most important resource—our young people.

Legal pressure cannot in and of itself end youthful involvement in drinking, but adoption of a national drinking age of 21 would send a message that as a nation we believe that drinking is not a healthy or appropriate activity for teenagers.

Any such message, however muted, in conjunction with the tangible benefits to lives and property which would result from reductions in drunk driving fatalities if Federal legislation were adopted, could not help but contribute to the public welfare.

On June 7, the House of Representatives overwhelmingly adopted Representative Howard's consensus 21 bill, H.R. 5383, as an

amendment to the Federal Aid Highway Act of 1984. Despite earlier indications to the contrary, the administration responded with strong support for this Federal approach to the establishment of a 21 drinking age, indicated the President's interest in seeing Senate action on similar legislation, and underscored his willingness to sign such legislation into law.

The executive committee of NCA went on record applauding the House action, urging the Senate to pass Senator Lautenberg's companion legislation, and calling on President Reagan to sign this important public health measure into law without delay.

On behalf of NCA, I urge you, Madam Chair, and members of the subcommittee who have not already done so, to cosponsor the Lautenberg 21 amendment, which reflects the best compromise possible on this issue in the Senate and the best opportunity for enactment.

An affirmative vote for the Lautenberg amendment will pave the way for the expansion of a proven highway safety measure to the nation at large. Moreover, enactment of a national uniform drinking age of 21 will constitute a significant step toward implementation of public policy which reduces alcohol availability and the problems associated with alcohol and youth.

Thank you.

Senator HAWKINS. Thank you.

We will go to you at this time, Mr. Hurley.

Mr. HURLEY. Thank you, Senator. I am Chuck Hurley, executive director for Federal Affairs of the National Safety Council. I am here today to indicate our strong support for the enactment of Federal 21 legislation; also, to commend you, Madam Chairman, for your leadership in holding this hearing, and for the leadership of Senators Lautenberg, Danforth and Lugar, who have been so instrumental in bringing about the progress on this legislation.

I would also like to submit our statement for the record, as well as the National Safety Council's primary reference document, "Accident Facts," and our supporting documentation on the drinking age of 21.

Mr. HURLEY. One of the best reasons why we are here, Senator, is the map that you have up there. In fact, 56 percent of State borders in America are blood borders, where the patchwork quilt of drinking ages that came to be with the lowering of drinking ages in the early 1970's has created, as Senator Danforth has indicated, incentives to drink and drive across State lines.

Often, the kids come back late at night and kill not only themselves, but others—innocent victims in a State which may, in fact, have a 21 drinking age, but borders a State where the drinking age is, in fact, lower.

It has been stated that this amendment and this legislation has been created in haste. I would point out that, in fact, over the last 3 or 4 years this issue has been the subject of numerous hearings before the House Commerce Committee, the House Public Works Committee, the House Committee on Rules, the Senate Commerce Committee, the Presidential Committee on Drunk Driving, and the National Commission on Drunk Driving.

Our National Safety Council Committee on Alcohol and Drugs has been reviewing the evidence in this area for many years—in

fact, decades. We believe the overwhelming preponderance of evidence supports very strongly a uniform drinking age of 21, and that is what brings us here today before you, Madam Chairman.

We believe that the time for Senate action obviously is now; that the issue has been discussed. We commend you for holding the hearing so that all sides are afforded a full and fair chance to present their views, but we strongly support enactment by the Senate as soon as possible.

I might just conclude by reading a list of the organizations which support 21. This effort is supported, as you well know, by the Mothers Against Drunk Driving; in addition, the Alliance of American Insurers; Allstate Insurance; the American College of Emergency Room Physicians; the American Council on Alcohol Problems; the American Medical Association; the American Traffic Services Association; the Boy Scouts of America; the Insurance Information Institute; the International Association of Chiefs of Police; Justice for Crime Victims of America, Inc; the National Association of Independent Insurers; the National Child Passenger Safety Association; the National Commission Against Drunk Driving; the National Council on Alcoholism; the National Safety Council; the National Parent-Teacher Association; the Presidential Commission on Drunk Driving; Remove Intoxicated Drivers; Students Against Drunk Drivers; the United States Achievement Academy; the Wine Institute; the Hotel Employees & Restaurant Employees International Union; State Farm Insurance, among a range of others.

We believe that the measure has brought about overwhelming bipartisan support in the House. We believe, also, that overwhelming bipartisan support is present in the Senate. We urge the Senate to take action as soon as possible.

Thank you.

[The following information was supplied for the record:]

National Safety Council

Dear Colleague:

Your support of the campaign to raise the legal minimum drinking age to 21 provides you with the opportunity to save the lives of many young drivers who might be senselessly killed in traffic accidents each year. You know what happens when teenagers attempt to mix drinking and driving; you know some of the many horror stories.

I do want you to know that we at the National Safety Council are ready at any time to assist you in this important project. By working together with such community leaders as yourself, we can generate support from organizations and citizens across the state. Safety organizations, labor unions, newspapers, PTAs, and medical associations are just some of the major influential groups which can help. If we raise our voices collectively, we can make a real difference, because legislators do respond to the wishes of their constituents.

This kit contains material to help you to either start or to continue your campaign. You'll find fact sheets on 21, along with advice on how to give testimony and how to appear on radio and television. We've also enclosed sample news releases for a variety of audiences. Please edit these materials to meet your needs, and add your own facts and figures.

The National Safety Council will be happy to tape record a radio public service announcement specifically for your state. Please call the Council's Traffic Safety Department to arrange this. We will appreciate your completing and returning the enclosed evaluation form, the last item in the kit. It is very important to our overall program.

444 North Michigan Avenue
Chicago, Illinois 60611
312-527-4800

A Nongovernmental
Not-for-Profit
Public Service Organization

The results of your campaign will be passed along to the Presidential Commission on Drunk Driving.

This kit will give you suggestions and materials to help carry on a successful "grass roots" campaign. If we can be of further help in any way, please contact our Traffic Safety Department.

Sincerely,

T. C. Gilchrest

T. C. Gilchrest
Executive Vice President
& Acting President

(NOTE: In the interest of economy, the instructional kit referred to was retained in the files of the committee.)

National Safety Council

Updated November 1, 1983

FACT SHEET
UNIFORM DRINKING AGE OF 21

SHOULD THERE BE A UNIFORM DRINKING AGE OF 21?

Yes. The present diversity of state laws on the legal drinking age invites problems from teenagers from states with a 21-year-old drinking law driving to neighboring states where the legal age is lower, and driving -- usually during late night hours -- home after drinking. Many are in no condition to drive with impaired judgment and impaired reaction times.

WHAT IS THE EXTENT OF THE PROBLEM?

Unfortunately, statistics are not available on the number of drivers under the age of 21. The categories on which figures are available are teenagers (9.8 percent of all drivers or 14,500,000) and 20-24 years of age, 11.9 percent (17,600,000). These two groups represent 21.7 percent of all drivers (32,100,000) but account for 36 percent of drivers in all accidents. Of the 25,000 traffic fatalities in which alcohol was a factor in 1981, about 8,500 were between the ages of 16 and 24.[1] Studies also show that 60 percent of fatally injured teenage drivers had alcohol in their blood.[2] In the past 75 years, life expectancy in this country has increased for every age group except for those between 15-24 years of age.[3] The major cause of death for this group is accidents, and traffic fatalities comprise most of these accidents. As indicated, alcohol-related accidents weigh heavily in the statistics for the age group. It is important to note that alcohol also is a factor in deaths from drowning (the next leading cause of death).

WHAT IS TEENAGE DRINKING COSTING THE NATION IN DOLLARS?

Just considering the traffic death and injury toll involving teenagers, the cost to the nation is about $1 billion.[4] With the addition of 20-year-olds to the group, the costs of accidental deaths and injuries increase.

WHICH STATES NOW HAVE A LEGAL DRINKING AGE OF 21?

Nineteen states currently have set the legal drinking age at 21. Seven states have increased legal drinking ages to 21 for all alcoholic beverages in the last five years after experimenting with reduced ages for drinking. The 19 states with 21-year-old drinking

age requirements and the year the laws were passed are:

Arkansas (1957)	Maryland (1982)	New Mexico (1934)
California (1933)	Michigan (1978)	North Dakota (1936)
Illinois (1980)	Missouri (1945)	Oregon (1933)
Indiana (1934)	Nevada (1933)	Pennsylvania (1935)
Kentucky (1938)	New Jersey (1982)	Utah (1935)
Delaware (1983)	Oklahoma (1983)	Washington (1934)
Alaska (1983)		

WHICH STATES HAVE 18-YEAR-OLD DRINKING LAWS?

Three states allow drinking at 18 years of age for all alcoholic beverages. The states and the dates the laws were passed are:

Hawaii (1972)	Vermont (1971)
Louisiana (1948)	

WHICH STATES HAVE A 19-YEAR-OLD DRINKING AGE?

Thirteen states permit drinking at 19 years of age. The states and the years the laws were passed are:

Alabama (1970)	*Georgia (1980)	*New York (1982)
	Idaho (1972)	*Tennessee (1979)
Arizona (1972)	*Iowa (1978)	*Texas (1981)
	*Minnesota (1976)	Wyoming (1973)
*Florida (1980)	*Montana (1979)	*Wisconsin (1983)

*These states previously had a legal drinking age of 18.

WHICH STATES PERMIT DRINKING AT 20 YEARS OF AGE?

Six states allow drinking at 20 years of age for all alcoholic beverages. The states and the years of the enactment of their statutes are:

Connecticut (1933)	Massachusetts (1979)	New Hampshire (1979)
Maine (1977)	Nebraska (1980)	Rhode Island (1981)

WHAT ABOUT THE OTHER STATES?

Ten states make a distinction in the legal drinking age for wine, beer and distilled spirits. Three states permit 18-year-olds to drink 3.2 percent beer, but require citizens to be 21 to drink other alcoholic beverages. The 3 states are:

Colorado (1945)	South Dakota (1972)
Kansas (1949)	

Three states permit a drinking age of 18 for beer and table wine, and 21 for fortified wine and distilled spirits. The states are:

District of Columbia (1934)	Mississippi (1966)	North Carolina (1935)

One state, West Virginia raised the age from 18yrs old to 19yrs old for residents and 21yrs old for non-residents of the state.

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South Carolina, since 1935, has permitted 18-year-olds to purchase beer and wine, and age 21 for distilled spirits. Virginia and Ohio allow 19yr olds to purchase beer and 21yr olds to purchase wine and spirits.

WHAT HAS HAPPENED WHEN A STATE LOWERED ITS LEGAL DRINKING AGE?

Studies show that when states reduced the drinking age, there has been an increase in alcohol-related deaths.[5] For example, Dr. Gary Graham, medical director for the Kemper Insurance Group, points to the experience in Iowa which lowered its drinking age to 18 in 1973. Between 1970 and 1973, 124 teenagers died in alcohol-related accidents in the state, and the number rose to 194, a 56.5 percent increase, between 1974 and 1977 when 18 was the legal drinking age.

In New Jersey, 18 to 20-year-old drivers accounted for less than 9 percent of drivers involved in alcohol-related fatal accidents in 1972, the year before the age limit was lowered. The proportion of the 18 to 20-year-olds involved in such accidents increased to 16.3 percent in 1973 and to 29.2 percent in 1975. (New Jersey, in 1982, raised its drinking age to 21).

The University of Michigan's Highway Safety Research Institute study also tracked fatal accidents involving 18 to 20-year-old drivers before and after the drinking age was lowered. The 18 to 20-year-olds involved in alcohol-related fatal accidents increased by 35 percent after the drinking age was lowered.

WHAT HAS BEEN THE EXPERIENCE OF STATES RAISING THE DRINKING AGE?

The National Transportation Safety Board cites the experience of Michigan when it restored the drinking age to 21 in December, 1978.[7] In the following year, a study showed a reduction of 31 percent in alcohol-related accidents among drivers aged 18-20. In Illinois, a study shows an 8.8 percent reduction in single-vehicle nighttime male driver accidents involving drivers 19 and 20 years of age when the drinking age was raised in 1980. Another study cited fatal accident data collected by the National Highway Traffic Safety Administration. It showed that in eight states (Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire and Tennessee), raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal accidents involving 18 to 21-year-old drivers.

A study in 1981 by the Insurance Institute of Highway Safety states: "On the average, a state that raises its drinking age can expect about a 28% reduction in nighttime fatal crash involvement among drivers the law change applies to." The study adds: "In the 31 states that still had a legal minimum drinking age less than 21 as of that date, it is estimated that each year there could be about 730 fewer young drivers in nighttime fatal crashes if the legal drinking age were raised to 21."

HOW DO PEOPLE FEEL ABOUT RAISING THE DRINKING AGE TO 21?

A Gallup Poll conducted in December, 1982 reported that 77 percent of Americans approve of a uniform drinking age of 21 while only 20 percent are opposed. Among 18 to 20-year-olds, 58 percent were in favor of a 21-year-old drinking age.

WHO SUPPORTS A UNIFORM DRINKING AGE OF 21?

Among the major supporters are the following organizations:

Alliance of American Insurers

American Association for Automotive Medicine

American Automobile Association

American Medical Association

Hotel Employee and Restaurant Employees International Union

Insurance Institute for Highway Safety

International Association of Chiefs of Police

National Association of Independent Insurers

National Safety Council

National Transportation Safety Board

Presidential Commission on Drunk Driving

In addition, Congress has approved a sense-of-the-Congress resolution that the age for drinking and purchasing all alcoholic beverages should be raised to 21 in those 34 states and the District of Columbia where the drinking age is now less than 21.

IF 18-YEAR-OLDS CAN VOTE, WHY CAN'T THEY DRINK?

The two activities are not comparable. There is not likely to be a hazard to life in the voting booth, and the voter does not threaten the safety of others. But drinking does produce physiological and psychological changes in the drinker that can threaten the drinker's safety as well as the safety of others, particularly if one drinks to excess.

Many 18-year-olds do not have sufficient maturity to drink in a responsible manner. They are more likely to be subject to peer pressure than those who are older. When the 18-year-old mixes drinking and driving, personal judgment may be surrendered in hopes of being popular with the group.

HOW OFTEN DO TEENAGERS DRINK?

A 1981 study reported that 92 percent of high school seniors had used alcohol at some time.[8] The same study showed that 70 percent of those surveyed had drunk alcohol in the previous month.

WHY DO TEENAGERS DRINK ALCOHOL?

For many of the same reasons that adults drink. It is part of the American social scene. In addition, teenagers are subject to peer pressure to conform, and many young people believe drinking is an adult activity.

WILL A UNIFORM 21-YEAR-OLD DRINKING LAW STOP DRINKING BY THOSE UNDER AGE?

No. But it will help reduce drinking by those under 21. In particular, if all states have uniform laws, there will be no need to travel to adjacent states where currently laws on drinking may be lower than 21. A 21-year-old minimum drinking age also should increase the age of illegal drinkers. At present, an 18-year-old who can legally buy alcohol may purchase it for younger friends, who may be 17, 16 or 15.

If the drinking age is increased to 21, the legal drinker may purchase alcohol for younger friends, but they are likely to be 19 or 20, not 15-17.

IS A 21-YEAR-OLD MINIMUM DRINKING AGE DISCRIMINATORY?

There has been no successful legal case which would support this contention. It is obvious by the diversity of state laws on the subject that it is within a state's purview to establish a legal minimum drinking age.

IS THERE ANOTHER ROUTE TO REDUCING DRINKING BY THOSE UNDER 21 OTHER THAN BY RAISING THE AGE LIMIT?

Education and persuasion have not proved as effective in achieving the desired result as enacting laws which then can be enforced and which, coupled with publicity, heighten teenagers' awareness of the risks of punishment and so act as a deterrent.

IS PREVENTION OF DRIVING UNDER THE INFLUENCE THE MAJOR REASON FOR RAISING THE DRINKING AGE TO 21?

It is a major reason because of the number of young people killed in traffic accidents in which alcohol is a factor. But it is not the only reason. Young people also are killed and injured in drowning and boating accidents in which alcohol is a significant factor.

IS THERE A DANGER IF THE DRIVER HAS BEEN DRINKING BUT IS NOT DRUNK?

Yes. The usual perception is that it is only the falling-down drunk who is a menace behind the wheel but the driver with alcohol in the blood is impaired to some degree, and the degree increases with the amount of alcohol blood content. Judgment is impaired. Reaction time is slower. Coordination is reduced. The person who says, "I can drive just as well after drinking as when I'm sober" is kidding himself and indicating his or her judgment already has been affected. No one can drive as skillfully and safely when handicapped by alcohol or other drugs.

WHY SHOULD 21 BE THE MINIMUM LEGAL DRINKING AGE?

The age of 21 is a compromise but it allows the average person to acquire some experience and skill in driving before being subjected to alcohol and learning to control it. By the age of 21, one hopes the individual should have gained the maturity to cope with the complex problems of drinking. The best argument for a legal minimum drinking age of 21 is the empirical evidence that shows where the age has been increased to 21 traffic deaths and injuries have been reduced among the youthful drivers.

REFERENCES

1. National Transportation Safety Board, News Release SB 82-43, 7/23/82.

2. Jim Burnett, Chairman, NTSB, in address to meeting of National Safety Council, October, 1982. Also cited in Senate Consolidated Resolution 129, Congressional Record, 12/1/82, Page S-13624.

3. Jim Burnett (same as #2).

4. Statistics Department, National Safety Council.

5. Insurance Backgrounder, State Farm Insurance Companies, 1981.

6. Accident Facts, 1982 Edition.

7. Ibid

8. Teens, Alcohol, Other Drugs & Driving pamphlet, National Association of Independent Insurers.

HOW TO INFLUENCE YOUR STATE LEGISLATURE TO INCREASE THE LEGAL MINIMUM DRINKING AGE TO 21

Note: This paper lists activities that should be undertaken to encourage your state legislature to increase the legal minimum drinking age to 21. Do not be overwhelmed by the magnitude of the task. If you and your organization cannot undertake all of the activities, share them with others, and select those actions for which you and your organization will be responsible.

GET THE ISSUE BEFORE THE LEGISLATURE

If your state legislature does not have a bill to increase the drinking age before it, you can help get one there. If the legislator who represents your district is not interested in sponsoring a bill, there may be others who have backed other related measures (such as child-safety seats or providing tougher penalties for those convicted of drunk driving). The bill should be one that sets 21 as the minimum drinking and purchasing age for all alcoholic beverages. (See sample bills.)

SUPPORT THE BILL

Legislators will act favorably on proposed measures if they feel there is strong public support. Your job is to rally support for the bill increasing the legal minimum drinking age of 21. Ask every organization of which you are a member or in which you have influence to adopt a formal resolution endorsing the bill. Make copies of those resolutions available to members of your state legislature. Seek editorial support for the measures from every newspaper in your state and radio and TV stations. After an editorial appears, write letters to the editor and radio and TV stations supporting the editorial stand. In other words, organize like-minded individuals and organizations into a task force to engage in political action to achieve your goal of increasing the drinking age.

ENCOURAGE LAWMAKERS TO JOIN IN THE BILL'S SPONSORSHIP

The more sponsors there are for the bill, the more votes you gain for the measure, so seek the widest sponsorship, working with the major backers. In inviting sponsorship, nothing is so effective as a personal visit either by yourself or with a committee. Go to the state legislature and buttonhole the members and present your petitions that identify the need and the grass-roots support that exists for the measure. Also, try to get your Governor to take a public position endorsing the proposed law. His advocacy of your position will help gain votes in the legislature and help build popular support for increasing the drinking age throughout the state. Eventually, if a bill is passed, the Governor will have to sign it for the bill to become law and his support is vital for the effort.

REQUEST THAT YOU BE ALLOWED TO TESTIFY BEFORE THE APPROPRIATE COMMITTEE

Your oral testimony should be brief but your written statement, which you will ask to be accepted as part of the record of the hearing, should cover all bases. If possible, get permission for others in your group to testify, including expert witnesses.

YOUR TESTIMONY

1. State clearly whom you are speaking for: whether you are appearing as an individual citizen, or as a representative of your safety council or other organizations, or whether you are appearing for a group of organizations. Obviously the more organizations and individuals for whom you are speaking, the more weight your testimony will carry. You should try to be the spokesman for as many organizations as possible. Many organizations will not want to spend the time or money to send someone to speak for them and will be glad to have their names used by you. Get permission in writing from these organizations, in case a legislator asks for evidence. Have copies of any formal resolutions by these

organizations in your possession. You will want to include in your testimony that resolutions endorsing the specific bill have been voted by many organizations, and name them. One of your chief values in appearing as a witness is to inform the state body that there is massive support for the bill you favor. Listing the organizations that have passed resolutions or written statements support this purpose.

2. Identify the need for increasing the legal minimum drinking age to 21. You should research the statistics on the number of traffic deaths and injuries caused by drinking drivers under the age of 21 in your state. Nationally there have been about 50,000 motor-vehicle accidental deaths annually in recent years and about half of these involved alcohol. About 5,000 of these alcohol-related deaths involved teenagers. Drivers under the age of 24 represent 21.7 percent of all drivers but account for 36 percent of all drivers in accidents. The point must be made that the driver under 21 is more likely to cause an accident because of drinking (and to be involved in such accidents) than older motorists. In the past 75 years, life expectancy in this country has increased for every age group except for those between 15-24 years of age. For this group the major cause of death is accidents, and traffic accidents are the predominant type to which members of this group become victims.

3. Indicate that these accidents not only claim the lives of young people -- snuffing out their possible contributions to society in later years -- but also represent a monetary loss. It has been estimated that the loss to the nation of traffic deaths and injuries of teenagers is about $1 billion.

4. Inform the legislators of studies that show that in a state that has lowered the drinking age from 21, traffic deaths and injuries of teenagers have increased. When states have increased the drinking age to 21, deaths and injuries of teenagers have decreased (See the Fact Sheet for details of the studies.) If possible, use your state's experience when it reduced the drinking age.

5. Point out that a uniform drinking age of 21 is one of the chief recommendations of the Presidential Commission on Drunk Driving. The proposition is endorsed by many organizations including the National Safety Council, American Medical Association, National Transportation Safety Board, etc. (See list in Fact Sheet.) Be sure to present endorsements from organizations in your state.

6. If an adjoining state has a 21 year drinking age and your state doesn't, your state is sure to attract younger drinkers from the adjoining state or states and probably is experiencing an increased number of night-time deaths and injuries in border areas. By raising the drinking age to 21, the state will be reducing this toll.

7. Your delegation to the state capital should include expert witnesses, a sheriff, police chief, or other law enforcement officials with intimate knowledge of the problem who can share their experiences with the lawmakers.

8. To summarize, your objective is to present state legislators with the information that their constituents want the drinking age law increased to 21. Your statement should stress this point with factual data.

9. Be prepared to answer questions and do so forthrightly and without equivocation. Do not overstate your case but at the same time, get the idea across that you consider the bill's passage as a step toward saving the lives of your state's young people.

AFTER YOUR TESTIMONY

Follow up your testimony with letters of appreciation to the members of the body for their attention to your testimony. Send factual material to those legislators who favor the proposed bill and to those who don't. Invite members of the legislature to speak before your organization to rally public support for the bill.

Your job doesn't end when you have testified. If your objective -- passage of the bill -- is to be achieved, you will have to keep mustering support and you do that by informing all interested parties, including local newspapers, as to the status of the bill. Be sure to learn the significant dates when the measure is to be considered in committee and when it goes before the legislature for final vote. You will find it beneficial to send a delegation to both legislative bodies when they are taking the vote. The presence of a large delegation will convey to the lawmakers the seriousness in which you hold the bill's fate.

Once the measure is passed, focus on the Governor to encourage his signing the bill into law.

And once the bill is signed into law, your job then is to make sure law enforcement agencies enforce the law and that the courts back up the law enforcement agencies.

(ATTACHED ARE EXAMPLES OF 21 YEAR OLD LEGISLATION FROM TWO STATES)

# # #

JR/E175

81st GENERAL ASSEMBLY

State of Illinois

1979 and 1980

INTRODUCED January 11, 1979, by Ralph Dunn

Synopsis: (Ch. 43, pars. 131, 134a and 183)

Amends "Act relating to alcoholic liquors". Prohibits sale or delivery of alcoholic liquor to persons under 21 years of age and their possession of alcoholic liquor. Deletes provisions relating to beer and wine for 19 year olds.

LRP8102357GNdv

A BILL FOR

AN ACT to amend Sections 12 and 13a of Article VI and Section 1 of Article X and to add Section 12c to Article VI of "An Act relating to alcoholic liquors", approved January 31, 1934, as amended.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Sections 12 and 13a of Article VI and Section 1 of Article X of "An Act relating to alcoholic liquors", approved January 31, 1934, as amended, are amended, and Section 12c is added to Article VI thereof, the amended and added Section to read as follows:

ARTICLE VI

(Ch. 43, par. 131)

Sec. 12. (a) No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, ~~or in the case of beer and wine, under the age of 19 years~~, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years ~~or in the case of beer and wine under the age of 19 years~~, except in the performance of a religious ceremony or service.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years~~, or, in the case of beer or wine, over the age of 19 years~~.

Adequate written evidence of age and identity of the

a delivery of an alcoholic beverage in pursuance of the order of his parent or in pursuance of his employment.

~~(b) Subsection (a) of this Section does not apply to the sale, gift or delivery of beer and wine to persons under the age of 21 years but at least 19 years of age.~~

(b) ~~(c)~~ Whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class B misdemeanor.

(Ch. 43, new par. 133a)

Sec. 12c. No home rule unit, as defined in Article VII of the Illinois Constitution, may amend or alter or in any way change the legal age at which persons may purchase, consume or possess alcoholic liquors as provided in this Act, and it is declared to be the law of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Constitution, that the establishment of such legal age is an exercise of exclusive State power which may not be exercised concurrently by a home rule unit.

(Ch. 43, par. 134a)

Sec. 13a. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of

person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction, forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class B misdemeanor.

Any person under the age of 21 years, ~~or, in the case of beer and wine, under the age of 19 years,~~ who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class B misdemeanor.

Any person under the age of 21 years, ~~or, in the case of beer or wine, under the age of 19 years~~, who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is guilty of a Class B misdemeanor. This Section does not apply to possession by a person under the age of 21 years, ~~or, in the case of beer and wine, under the age of 19 years,~~ making

alcoholic liquor in violation of this Section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden ~~except that a person at least 19 years of age may consume beer and wine.~~ Whoever violates any provisions of this Section shall be guilty of a Class C misdemeanor.

The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this Act.

ARTICLE X.

(Ch. 43, Par. 183)

Sec. 1. Any person who manufactures, imports for distribution or use, or distributes or sells alcoholic liquor at any place within the State without having first obtained a valid license so to do under the provisions of this Act, or shall make any false statement or otherwise violates any of the provisions of this Act in obtaining any license hereunder, or who having obtained a license hereunder shall violate any of the provisions of this Act with respect to the manufacture, possession, distribution or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this Act, shall for a first offense be guilty of a petty offense and fined not more than $500, and for a second or subsequent offense shall be guilty of a Class B misdemeanor.

Each day any person engages in business as a manufacturer, foreign importer, importing distributor, distributor or retailer in violation of the provisions of this Act shall constitute a separate offense.

Any person, under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor other than beer and wine from a licensee, represents that he

is 21 years of age or over ~~or any person under the age of 19 years who, for the purpose of buying, accepting or receiving beer and wine from a licensee represents that he is 19 years of age or over~~ shall be guilty of a Class A misdemeanor.

In addition to the penalties herein provided, any person licensed as a wine-maker in either class who manufactures more wine than authorized by his license shall be guilty of a business offense and shall be fined $1 for each gallon so manufactured.

PUBLIC ACTS 1978-No. 531

(No. 531)

AN ACT to amend sections 33, 33a and 33b of Act No. 8 of the Public Acts of the Extra Session of 1933 entitled as amended "An act to create a liquor control commission for the control of the alcoholic beverage traffic within the state of Michigan and to prescribe its powers, duties and limitations; to provide for the control of the alcohol liquor traffic within the state of Michigan and the establishment of state liquor stores; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges thereto; to provide for the licensing and taxation thereof, and the disposition of the moneys received under this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for the confiscation and disposition of property seized under the provisions of this act; to provide a referendum in certain cases; and to repeal certain acts and parts of acts, general, local and special and certain ordinances and parts of ordinances," as amended by Act No. 94 of the Public Acts of 1978, being sections 436.33, 436.33a and 436.33b of the Compiled Laws of 1970; to add section 33c and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sections amended and added; Michigan liquor control act.

Section 1. Sections 33, 33a and 33b of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended by Act No. 94 of the Public Acts of 1978, being sections 436.33, 436.33a and 436.33b of the Compiled Laws of 1979, are amended and section 33c is added to read as follows:

436.33 Selling or furnishing alcoholic liquor to person less than 21 years of age; failure to make diligent inquiry; misdemeanor; signs; defense in action for violation. (M.S.A. 18.1004)

Sec. 33 (1) Alcoholic liquor shall not be sold or furnished to a person unless the person has attained 21 years of age. A person who knowingly sells or furnishes alcoholic liquor to a person who is less than 21 years of age, or who fails to make diligent inquiry as to whether the person is less than 21 years of age, is guilty of a misdemeanor. A suitable sign which describes this section and the penalties for violating this section shall be posted in a conspicuous place in each room where alcoholic liquors are sold. The signs shall be approved and furnished by the state liquor control commission.

(2) In an action for the violation of this section, proof that the defendant or the defendant's agent or employee demanded and was shown, before furnishing alcoholic liquor to a person under 21 years of age, a motor vehicle operator's license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of the age and identity of that person, shall be a defense to an action under this section.

436.33a Transportation or possession of alcoholic liquor in motor vehicle by person less than 21 years of age; violation as misdemeanor; complaint; issuance and service of order to show cause; Impoundment of vehicle; appeal; rights of lienholder; transfer of title to avoid act as misdemeanor. (M.S.A. 18.1004(1))

Sec. 33a (1) A person less than 21 years of age shall not knowingly transport or possess, in a motor vehicle, alcoholic liquor unless the person is employed by a licensee under this act, the liquor control commission, or an agent of the liquor control commission and is transporting or having the alcoholic liquor in a motor vehicle under the person's control during regular working hours and in the course of the person's employment. A person who violates this subsection is guilty of a misdemeanor.

(2) Within 30 days after the conviction of a person for the violation of subsection (1), which conviction has become final, complaint may be made by the arresting officer or the officer's superior before the court from which the warrant was issued, which complaint shall be under oath and shall contain a description of the motor vehicle in which alcoholic liquor was possessed or transported by the person less than 21 years of age in committing the offense and praying that the motor vehicle be impounded as provided in this section. Upon the filing of the complaint, the court shall issue an order to the owner of the motor vehicle to show cause why the motor vehicle shall not be impounded. The order to show cause shall have a date and time fixed in the order for a hearing, which date shall not be less than 10 days after the issuance of the order and shall be served by delivering a true copy to the owner not less than 3 full days before the date of hearing or, if the owner cannot be located, by sending a true copy by certified mail to the last known address of the owner. If the owner is a nonresident of the state, service may be made upon the secretary of state as provided in section 403 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.403 of the Michigan Compiled Laws.

(3) If the court determines upon the hearing of the order to show cause, from competent and relevant evidence, that at the time of the commission of the offense the motor vehicle was being driven by the person less than 21 years of age with the express or implied consent or knowledge of the owner, and that the use of the motor vehicle is not needed by the owner in the direct pursuit of the owner's employment or the actual operation of the owner's business, the court shall authorize the impounding of the vehicle for a period to be determined by the court, of not less than 15 days nor more than 30 days. The court's order authorizing the impounding of the vehicle shall authorize a law enforcement officer to take possession without other process of the motor vehicle wherever located and to store the vehicle in a public or private garage at the expense and risk of the owner of the vehicle. Appeal shall lie from the order to the circuit court of the county and the provisions governing the taking of appeals from judgments for damages shall be applicable to the appeal. This section shall not prevent a bona fide lienholder from exercising rights under a lien.

(4) A person who knowingly transfers title to a motor vehicle for the purpose of avoiding this act is guilty of a misdemeanor.

436.33b Purchase, consumption, or possession of alcoholic liquor by person less than 21 years of age; liability for and disposition of civil fines; furnishing or using fraudulent identification as misdemeanor; possession during regular working hours and in course of employment; civil or criminal liability; consumption as necessary ingredient of educational course (M.S.A. 18.1004(2))

Sec. 33b (1) A person less than 21 years of age shall not purchase alcoholic liquor, consume alcoholic liquor in a license premises, or possess alcoholic liquor, except as provided in section 33a (1) of this act. A person less than 21 years of age who violates this subsection is liable for the following civil fines and shall not be subject to the penalties prescribed in section 50:

(i) For the first violation a fine of not more than $25.00.

(ii) For a second violation a fine of not more than $50.00, or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of 1978, being section 333.6107 of the Michigan Compiled Laws and designated by the administrator of substance abuse services, or both.

(iii) For a third or subsequent violation a fine of not more than $100.00 or participation in substance abuse prevention services as defined in section 6107 of Act No. 368 of the Public Acts of 1978, and designated by the administrator of substance abuse services, or both.

(2) Fifty percent of the fines collected under subsection (1) shall be deposited with the state treaurer for deposit in the general fund to the credit of the department of public health for substance abuse treatment and rehabilitation services.

(3) A person who furnishes fraudulent identification to a person less than 21 years of age, or a person less than 21 years of age who uses a fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor.

(4) This section shall not be construed to prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the liquor control commission, or by an agent of the liquor control commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(5) This section shall not be construed to limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(6) The consumption of alcoholic beverages by a person under 21 years of age who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member shall not be prohibited by this act if the purpose is solely educational and a necessary ingredient of the course.

436.33c Stopping and detaining persons for identification, seizing alcoholic beverages, and issuing appearance ticket; "appearance ticket" defined; parts of appearance ticket; admission; civil sanctions; trial; default judgment. (M.S.A. 18.1004(3))

Sec. 33c. (1) A sheriff, deputy sheriff, village marshal, officer or member of the village or city police, officer of the department of state police, or an inspector of the commission who witnesses a person violating section 33b, or a local ordinance corresponding to that section, for which a civil fine is prescribed, may stop and detain the person for purposes of obtaining satisfactory identification, seizing illegally possessed alcoholic beverages, and issuing an appearance ticket.

(2) As used in this section, "appearance ticket" means a complaint or written notice issued and subscribed by a law enforcement officer or inspector of the commission, directing a designated person to appear in a designated district or municipal court or court of common pleas at a designated time in connection with the alleged violation for which a civil fine is prescribed. The appearance ticket shall consist of the following parts:

(a) The orginial which shall be a complaint or notice to appear by the officer and filed with the court.

(b) The first copy which shall be the abstract of court record.

(c) The second copy which shall be delivered to the alleged violator.

(d) The third copy which shall be retained by the law enforcement agency.

(3) A judge may accept an admission of the allegations of an appearance ticket defendant and the judge shall then direct the civil sanctions imposed by section 33b. If the defendant denies the allegations of the appearance ticket the judge shall set a date for trial. If a person fails to appear on the date specified on the appearance ticket the judge shall enter a default judgment against the defendant.

Repeal of §§750.141a, 750.141c, and 750.141d.

Section 2. Sections 141a, 141c and 141d of Act No. 328 of the Public Acts of 1931, as amended, being sections 750.141a, 750.141c and 750.141d of the Compiled Laws of 1970, are repealed.

Effective date.

Section 3. This act shall take effect on December 23, 1978.

Senator HAWKINS. Miss Lubinski, the highest proportion of alcohol-related traffic accidents involves those between 15 and 19 years of age. Do you think that not only the minimum drinking age should be increased, but also the minimum driving age?

Ms. LUBINSKI. Well, my own personal view is it would not be a bad idea to increase the driving age as well. I certainly do not think it is appropriate to talk about raising the driving age in lieu of raising the drinking age.

I also think that in terms of allowing young people the opportunity to take on some of the trappings of adulthood, in my mind I am more supportive of their interest in the opportunity to drive and get around and seek employment, et cetera, than in their privilege to consume a mood-changing drug, so that I think raising the drinking age is much more important.

Senator HAWKINS. Do current statistics really prove, in your mind, that the mandatory minimum 21-year-old drinking age would significantly lower drunk driving fatalities.

Ms. LUBINSKI. Yes. I do not think there is any question about the evidence. I am still surprised at the extent to which it is refuted because it has been done by so many sources and it has been done on so many levels, from county, State, and Federal, that I have never seen the documentation of evidence that has been more persuasive on any other public health or highway safety matter.

Senator HAWKINS. Mr. Hurley, has the section 408 program to provide incentive grants to States to strengthen their laws against drunk driving thus far been effective as a drunk driver countermeasure, in your opinion?

Mr. HURLEY. We think it has been effective. We would continue to urge States to approach drunk driving in a comprehensive manner. As you probably know, one provision of that 408 incentive grant criteria was the enactment of a 21-year-old drinking age.

Also, in the highway bill of 1982 there was a sense of Congress resolution that also supported a 21 drinking age. We do not see 21 as a panacea. We do see the comprehensive approach as the important way to go, but we believe that a uniform drinking age of 21 is a very important keystone to this effort.

We will continue to work at the State and local level even after enactment, hopefully, of the national drinking age of 21, and 408 is a key part of that.

Senator HAWKINS. And do you personally feel that States that decide in favor of less than the 21-year minimum drinking age should have Federal highway funds withheld, as is proposed in the House measure?

Mr. HURLEY. Yes, we do, Senator. We do not do so with any glee or with any excitement. We approach the Federal level as a court of first resort. We, in fact, have been active in the States for 3 to 4 years.

It is important to note that actions taken in one State to keep a lower drinking age have effect across State boundaries. It truly is an interstate problem. Candy Lightner indicated that the State of New York, after a superlative effort by Governor Cuomo to raise the drinking age to 21—that failed, unfortunately.

Upon that failure, the Governor of Connecticut withdrew his bill. The need for uniformity is clearly a key issue, so that citizens in

one State, and particularly young citizens, do not have an incentive to drink and drive, often late and night, and come home often killing themselves and other people.

Senator HAWKINS. Thank you all for participating here today and for compiling this record. As I have said, this is the first time the Labor and Human Resources Committee has heard this subject and we appreciate your building the record.

I would like to say also that Senator Lugar has a statement he would like to submit for the record and wanted to be here, but he was summoned to the White House.

[The prepared statement of Senator Lugar follows:]

STATEMENT OF SENATOR RICHARD G. LUGAR
BEFORE THE SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE
SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES

ON A NATIONAL DRINKING AGE OF 21

June 19, 1984

Madame Chairman, Members of the Subcommittee:

I am very pleased that the Subcommittee has called these hearings, and I am grateful for the opportunity to testify. These hearings are particularly well-timed, given the events of the past two weeks and the momentum which has been established. For the first time, one house of Congress has reached a consensus that the price that we've paid for differing drinking ages among the states is simply too high. It is a consensus which I hope will soon be shared by the Senate.

By this time, we are all too familiar with the grim statistics: 25,000 persons die each year in alcohol-related crashes; 5000 teenagers per year--14 per day--die in such crashes. While drivers under 21 years of age comprise about 8 percent of licensed drivers, they are involved in 20 percent of all alcohol related fatalities. Perhaps we have become so familiar with these numbers that we've lost sensitivity to the tragedy and suffering that each of these cases represents. Perhaps it takes a Candy Lightner or a loss within our own families to remind us of the enormity of what has become a

national epidemic.

I wholeheartedly agree with those who argue that a uniform drinking age alone will not solve the problem. Much more is needed in terms of local law enforcement, educational efforts, sentencing reforms and changing social attitudes. Many states are responding admirably to those needs. However, the evidence is irrefutable that there exists a strong correlation between the minimum drinking age and the incidence of alcohol-related fatalities. We should not let the perfect be the enemy of the good; we should pass legislation to encourage states to adopt a uniform drinking age of 21 years.

Even though 23 states have chosen to enact a 21-year drinking age, the vast majority of our state borders remain "blood borders." With the defeat of the "21 bill" by the New York Legislature a few weeks ago, it is clear that not all states will act on their own.

Last October, I introduced a bill to enact a uniform drinking age of 21 years. My bill was the companion measure to H.R. 3870, sponsored by Representative James Florio of New Jersey, which was reported favorably from the House Energy and Commerce Committee. Our approach was one of a variety of proposals to address the problem of differing state drinking ages and the disproportionate number of young people involved

in drunk driving fatalities. My objective in sponsoring S. 1948 was to initiate Senate consideration of a tangible proposal to save lives.

I was pleased to see a consensus bill evolve in the House which was endorsed by every sponsor of a "21 bill." The Howard consensus bill was reintroduced in the Senate by my colleague from New Jersey, Senator Frank Lautenberg. I find it to be an eminently reasonable, modest approach which deserves the same broad, bipartisan support that it received in the House. It allows each state to make its own decision on whether to raise the drinking age. However, those states which do not adopt a 21-year minimum drinking age within two years will lose five percent of their federal highway construction funds in fiscal year 1987, and ten percent of these funds in fiscal year 1988. These funds would be withheld until the drinking age is raised, at which time the 15 percent would be returned, or until the highway authorization period ended and the funds expired.

This consensus bill allows time for the states to act before any penalty is invoked. It would not withhold any highway safety money and only a modest percentage of construction money. However, the message that it will send to the states is a strong one: the number of lives lost each year to drunk

driving has become a national concern which we cannot ignore. Surely the national interest in protecting the lives of our young people outweighs the states' interest in setting a drinking age lower than 21 years.

Mr. Chairman, the House of Representatives has taken a strong stand, backed by 77 percent of the American public who believe that a national drinking age of 21 will save thousands of lives. I am delighted that the Administration announced its support for this proposal. I am here today to pledge my strong support for S. 2719 and to express my willingness to work with all interested senators on this issue.

I thank the Subcommittee for this opportunity to testify.

Senator HAWKINS. Panel two will consist of Robert Snow, president of the Church Street Station restaurant chain, which is based in Orlando, FL; Michael Birkley, executive director of the Tavern League of Wisconsin; Dr. Morris Chafetz, president of Health Education Foundation; and Celeste Bergman, immediate past president of the Florida Student Association.

We will start with Mr. Snow.

Mr. SNOW. If you do not mind, Madam Chairman, if we could start with Morris Chafetz, he has an appointment to go to.

Senator HAWKINS. All right. Dr. Chafetz, we will start with you.

STATEMENT OF MORRIS E. CHAFETZ, PRESIDENT, HEALTH EDUCATION FOUNDATION; MICHAEL M. BIRKEY, EXECUTIVE DIRECTOR, TAVERN LEAGUE OF WISCONSIN; CELESTE L. BERGMAN, ON BEHALF OF THE FLORIDA STUDENT ASSOCIATION AND THE U.S. STUDENT ASSOCIATION; AND ROBERT J. SNOW, PRESIDENT, FLORIDA ENTERTAINMENT AND DINING ASSOCIATION, MEMBER, NATIONAL RESTAURANT ASSOCIATION

Dr. CHAFETZ. Thank you very much, Madam Chairman. Of course, for me it is a particular pleasure to appear before this subcommittee. Since my 5-year tenure as the first director of NIAAA, I spent many happy and productive periods before this committee and I still relish what we were able to accomplish together on behalf of the alcoholic people and alcoholic issues of this country.

I should also like to point out that my testimony today is not for or against 21. Neither I as an individual or the Health Education Foundation is taking a position for or against this bill.

My purpose in testifying is to produce some perspectives on the basis of the fact that this month I celebrate the 30th year that I have devoted to the issue of alcohol abuse and alcoholism in this country, and I felt that I might be able to provide at this important hearing some perspective.

Because of the fact that there is such a bandwagon momentum for 21, I will leave to others its, as you have already heard, positive features, and will, however, raise some other issues.

I suspect that you have had some testimony about the overwhelming evidence statistically about this, and I suspect that I am hindered by my 35 years as a researcher when I say that the research is not as overwhelming as we would like it to be.

It does not mean that it is right or wrong. We in this country unfortunately confuse across-the-board statistical correlations with cause, and this has led us in a variety of fields down some garden paths.

However, if we are interested in saving lives and we believe the statistics, then we must remember that 24 would be a more likely age because I believe this country does not believe that a life saved between 18 and 21 is more precious than a life saved between 21 and 24.

The other point that I would like to make is that we are focusing an enormous amount of energy on 21, and I believe that implicitly we are subverting an important role of the Presidential Commission on Drunk Driving, on which I was privileged to serve and to be chairman of the Education and Prevention Committee.

On page 5 there is a caution. It says, "No one element of this program can be enacted by itself. A coordinated, decade-long commitment to a multifaceted approach must be taken by every State and community. No one suggestion and no single aspect of the system can produce the results the Nation desires."

We have to ask ourselves, third, if we are deceiving ourselves. Before this committee, NIDA has presented statistics showing that in 1962 only 2 percent of the age population between 14 and 26 had ever used marijuana, and by 1979, with all of our efforts, 65 percent of that age population had had one or more experiences with marijuana and 35 percent were regular users.

As you know, Madam Chairman, there is no age for the legal purchase of marijuana. There are no distribution centers. There is no advertising, and yet our young people have used it in great numbers.

Are we believing that young people will avoid a drug that is legal, ubiquitous, and is, as Candy Lightner so aptly put, held out to them by their parents when they come to pick them up?

Fourth, I would like to point out that by this push toward 21, we may be creating a new form of discrimination. We have unfortunately in this country discriminated on the basis of race, religion, color and socioeconomic grouping, and right now we seem to be thinking about discriminating on the basis of statistical grouping.

Furthermore, we are discriminating against women, since 87 percent of the teenagers involved in drunk driving arrests and fatalities are mainly males.

Whether or not we recognize it, the withholding of highway funds is a mechanism to subvert the 21st amendment of the Consti-

tution, which firmly relegated alcohol policies to State and local government. Will such legislation again turn ordinary citizens into lawbreakers, as we were forced to do during prohibition?

Do we not also send the wrong message to young people? As you know, they are old enough to choose Senators and Presidents and Governors, and yet we say they are not wise and responsible enough to make a decision whether or not to drink. Does this not give alcohol a prominence it should not and does not deserve?

Are we not giving it an unhealthy appeal that will, to use a strange phrase, "drive them to drink," because they want to prove they are grown up?

We are forgetting—and I believe Candy Lightner in her testimony really highlighted it—that there are other age groups that are the models for our young people. For example, according to FBI statistics, in 1982 drunk driving arrests in the 20 to 29 age group were five times higher than in the teenage group, and in the 30 to 39 age group were three times higher. Are we just focusing on young people so we are not forced to focus on ourselves?

I would like to suggest, in conclusion, that we not expend all of our political capital on behalf of the serious issue of drunk driving merely on raising the drinking age. We will never again in this country, in my judgment, ever arouse the enthusiasm and interest of the Nation toward the drunk driving issue as citizen-active groups and other groups have done for us this time.

I am concerned that we not throw away all of that capital on this one issue. For example, mandatory seat belts, as recommended by the Presidential Commission, according to the Department of Transportation, would save 12,000 to 13,000 lives each year, which is 12 times higher than the most optimistic estimate for raising the drinking age to 21.

We all have 100 percent compliance when we fly on planes. Why can we not set up a system of fines and enforcement that ensures compliance in our cars?

Mandatory license revocation on a finding of 0.1 blood-alcohol content is also a powerful source. And while we joke about it, I still believe that there is an equation between drinking and driving, and we seem not to focus on the driving aspect, and I have favored raising the driving age.

I would point out to you, and I ask your permission to include into the record some of the programs of the foundation which we are committed to, which is teach sellers and servers and certify them to recognize and prevent intoxication and prevent people from getting into their cars.

I appreciate your attention and I will take any questions that you may have.

[The prepared statement of Dr. Chafetz follows:]

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TESTIMONY

BY

DR. MORRIS E. CHAFETZ

PRESIDENT

HEALTH EDUCATION FOUNDATION

BEFORE

ALCOHOL AND DRUG ABUSE SUBCOMMITTEE

OF

U.S. SENATE

DIRKSEN SENATE OFFICE BUILDING

JUNE 19, 1984

40-052 O - 85 - 6

Madam Chairperson:

I am Morris E. Chafetz, President of the Health Education Foundation, and I am delighted to have been invited to testify before this subcommittee. I ask the Chair's permission to submit for the record information about the organization, sources of support and programs of the Foundaiton.

During my 5 year tenure as director of the National Institute on Alcohol Abuse and Alcoholism, the support of this subcommittee was crucial in awakening the country to the need for a comprehensive approach to alcohol problems. The generosity of this subcommittee to my colleagues and me in our task is and always will be greatly appreciated.

Today we are examining the position of establishing a minimum drinking age of 21 as an approach to the drunk driving problem. I take no position for or against 21. However, since a bandwagon phenomenon exists in the direction of adopting it as a federal thrust, I wish to suggest some perspectives about this seeming panacea.

First, among researchers, there is some doubt about the strength of the statistics and thereby how many lives can actually be saved. If, however, our goal is to save lives based on statistical correlations with a drinking age, then we should raise the minimum drinking age to at least 24. I assume that among

us all there is no greater value to saving the life of a person between the ages of 18 to 21 than there is in saving the life of a person between the ages of 21 to 24.

Second, with all our energy and focus on age 21, some of us believe that we are subverting the goals of the Presidential Commission on Drunk Driving. (Some people even derogatorily refer to the Presidential Commission as the Commission on 21.) For example, an important word of caution is expressed on page 5 of the Final Report of the Presidential Commission on Drunk Driving:

> ....no one element of this program can be enacted by itself; a coordinated, decade-long commitment to a multi-faceted approach must be taken by every State and community. No one suggestion or recommendation and no single aspect of the system can produce the results the Nation desires."

The third point we must ask is: Are we deceiving ourselves? We have seen how over the past 15 years the availability and use of the illegal drug marijuana by young people has increased; a drug that has no age of purchase; is not distributed legally; and yet has been used according to goverment statistics, by 65 percent of the population between the ages of 14 and 26

(35 percent are regular users). Do we believe that by adopting a national drinking age of 21, we can control young people from the use of an available, legal, and ubiquitous drug such as alcohol?

Fourth, by this push toward 21, we are creating a new form of discrimination. We have unfortunately discriminated in the past on the basis of race, religion, color, and socio-economic groups. Here we will practice discrimination based on persons belonging to a statistical group. Furthermore, we will discriminate against young women, since studies show that drunk driving accidents in this age population are 87 percent male dominated.

Fifth, whether we admit it or not, the strategy of withholding highway funds to force states to adopt 21, is a mechanism to subvert the 21st Amendment to the Constitution which relegated alcohol policies to state and local governments. Will such legislation again turn ordinary citizens into law breakers as we did during Prohibition?

Sixth, do we send the wrong message about alcohol to young people by raising the age to 21? We already say they are old enough and wise enough to choose our leaders, sign contracts, and do anything an adult can do except purchase and consume

alcohol. Does not this give alcohol an unhealthy appeal it does not deserve and drive them to drink to prove they are really grown up?

While we focus only on the young in the drunk driving situation, we are forgetting the contribution of other age groups to the seriousness of the drunk driving issue. For example, according to FBI statistics in 1982, there were 5 times as many drunk driving arrests in the 20 to 29 age group and 3 times as many drunk driving arrests in the 30 to 39 age group.

I would like to recommend, as did the Presidential Commission on Drunk Driving, that we not expend all of our political capital on behalf of the serious issue of drunk driving on merely raising the drinking age. We will never again be able to arouse the amount of interest necessary for the other recommendations of the Presidential Commission on Drunk Driving if we focus as heavily as we are doing on 21. For example, mandatory seat belts--a recommendation of the Commission--would save, according to the Department of Transportation, 12,000 to 13,000 lives each year which is 12 times the lives the most optimistic estimates suggest can be saved by raising the drinking age to 21. Immediate administrative revocation of licensure with the finding of a 0.1 BAC would be a powerful deterrent.

I further believe that if we are interested in uniformity, we have to remember that drunk driving is an equation made up of drinking and driving. I would recommend that whatever becomes the age for drinking become the age for driving. Much can and must be done to prevent the carnage of drunk driving. For example, the Foundation's long-term commitment to programs to train and certify sellers and servers of alcohol is a powerful push toward prevention.

I appreciate this opportunity to appear before you, and would be happy to take any questions you put before me.

(NOTE: In the interest of economy, the appendix accompanying Mr. Chafetz' statement was retained in the files of the committee.)

Senator HAWKINS. Thank you, Dr. Chafetz. I believe in the interest of time, we will just go right down the panel. Are you next, Mr. Birkley?

Mr. BIRKLEY. Thank you, Senator. My name is Michael Birkley. As you will see if you look at my curriculum vitae, I have spent most of my adult life working in the field of alcohol abuse prevention and treatment. I have been first on the scene and last to leave the gravesites of too many victims of adolescent and adult alcohol abuse not to be concerned personally.

One year ago I became the executive director of the Tavern League of Wisconsin, which is the largest State association of licensed beverage persons in the Nation. And because of our obvious commercial interest, every statement we make and every position we take tends to be viewed with a great deal of skepticism, and that is as it ought to be.

The issue is too critical, however, to be decided on the basis of distorted data and half truths and unsupported assertions, emotional appeals, or irrational argument. And for that reason, we urge you to view every statement, every so-called fact, every study placed in evidence on this issue, with equal skepticism, however altruistic or self-serving the witness may appear to be.

You see, in addition to our commercial interest, we have children, too—twice as many per family as the national average. And too many of us, like too many of our neighbors and many of the people here today, have suffered the loss of our own loved ones, our own children, relatives, and friends in highway crashes at the hands of irresponsible, criminally intoxicated drivers.

And I can assure you that we care more about our families and our children than we care about our cash registers. If we thought for a moment that raising the legal drinking age to 21 would save the rest of our children's lives or our neighbors' children's lives, we would be here asking and demanding that you raise it to 21. But that is not what we believe the record shows.

The problem of alcohol abuse and drunk driving among our Nation's young people is extremely complex in nature. The drinking age solution, which we ought to call for what it is—total prohibition for 18-, 19-, and 20-year-old adults—is both simplistic and dangerous.

I find it very difficult to understand how anyone old enough to remember that prohibition drove millions of law-abiding citizens to drink illegally, with the highest rate of cirrhosis of the liver and other effects of alcohol abuse in the Nation's history occurring during the roaring twenties—that we would try the same trick on our 18- and 19-year-old adults.

Now, the proponents of these bills would have you believe that higher legal drinking ages reduce the risk of alcohol-related crashes among those affected, and we have heard it over and over again today: All of the studies show that raising the age reduces the risks and actually reduces highway crashes.

And I would like to depart from my prepared text for a moment and go over the studies that have been placed in evidence here today, and ask you that you look at what they say.

Today we heard, for example, that Dr. Wagenaar found a 31-percent reduction in alcohol-related crashes, three-factor surrogate crashes, in the State of Michigan during the period 1978-79.

What they did not say was despite the fact that Dr. Wagenaar found and concluded that raising the age had had some effect in Michigan, he said, in the very same study—and we wish people would read the whole study to you—"Before a blanket recommendation is made that all States should raise the legal age, one must consider arguments for a lower age," including the long-term effects of alternative drinking ages and potential deleterious side effects of a high legal drinking age.

We should also suggest to you that you look at the portion of Dr. Wagenaar's study in which he looked at other intervening variables which were considered even more effective in Michigan in what happened in 1978-79.

Then take the second item relied upon by the Presidential Commission on Drunk Driving, as well as persons here. We heard the mention of the study in Maine by Klein—NHTSA study by Klein. Did you know that Wagenaar also looked at the State of Maine and found no significant reduction in serious crashes in that State as a consequence of raising the age, and that Maine officials themselves also contested Klein's results?

Did you know that, for example, none of the States, except Michigan, studied by the Insurance Institute showed anything at all close to a 28-percent reduction in fatalities—nighttime fatalities, for that matter?

The statement of the Insurance Institute was there was a change in nighttime-to-daytime fatal crash ratios that tends to be a better measurement of the income of the people involved and unemployment and recreational driving. They—the data—studied were not alcohol related.

But, nonetheless, that 28-percent figure we hear people bandying about and saying, this proves it, did not come true in the State of Illinois, which was studied by NHTSA's Maxwell, in which they found an 8.8-percent reduction the year after they raised the legal drinking age to 21.

And let me tell you what happened the next year in Wisconsin, which did not raise the legal drinking age. Alcohol-related crash rates went down 28 percent among our 18- through 20-year-olds, and we did not raise the legal drinking age.

In fact, we hear lots of studies that were cited again today. Let me go into two other studies that were referred to here today. The World Health Organization study, "Alcohol Control Policies in a Public Health Context"—Candy Lightner read part of it; we ought to read the other part that said they found no significance—while they thought higher drinking ages ought to make a difference, they did not actually find that it did—make a difference—anywhere.

And also I would suggest that they take a look at the National Highway Traffic Safety Administration study which shows that—what we have been saying all along—higher legal drinking ages simply drive young people to drink illegally in unsafe settings where they tend to drink more, drive more, and get into more trouble.

And that came from the National Institute on Alcohol Abuse study, third report to the U.S. Congress, and has since been verified by the most recent multimillion-dollar study conducted by the Research Triangle Institute for the National Institute of Alcohol Abuse and Alcoholism, which says very clearly there is no correlation between young people's drinking patterns and anything except older adults' attitudes and drinking practices.

That multifaceted study did not conclude—in fact, it specifically said there is no evidence, contrary to what you have heard today, that young people are beginning to drink at an earlier age. I refer you to the NIAAA study released the year before last, which was a 5-year study, and the second such 5-year study conducted in 10 years.

There is no evidence at all that abuse is going up. Reported abuse is going up, and that is a sign of good things. People are beginning to call it—alcohol abuse—for what it is, seek treatment and seek help. And as a result, the reported incidence—of abuse—is increasing.

But the absolute incidence, as measured by, for example, cirrhosis of the liver rates, which have always been constantly related at 85 percent alcohol related, has not been going up, but going down in the Nation.

So we ask you, please, do not take anybody's word for it. This is too critical. Our children's lives are indeed at stake, and as proof of that I refer you to the National Highway Traffic Safety Administration data which were analyzed first by Prof. Phillip Cook of Duke University, second by Dr. Ganser, Michael Quirke and myself, in response to the Dunham and Detmar article, which was ridiculous—and you ought to read that, too—which reveal that fatal crash rates actually are higher among 18- through 20-year-olds where the legal drinking age is and remains 21 than where it remained 18.

Now, whatever people may say the effects of change may be—and we suspect a lot of that is a result of good enforcement, better enforcement accompanying the age change, observational change, et cetera—but whatever the effect of change may be, it is absolutely true that in the long run there is no statistically significant difference at all because, yes, it is true; higher drinking ages make it somewhat harder to get—alcohol—and as Wechsler reported in his book—the higher legal drinking age produces—a 5- to 15-percent reduction in ease of availability.

Some people will not drink because they will not be able to get it—whenever they want it but age-based prohibition will drive the rest to drink in unsafe settings, and that is why we are here. We care more about our children than we care about our cash registers. We can always make up for the damage and we can always save the business, and besides that we can always go into other business if this law goes into effect.

But there is nothing we can do to repair or to protect the lives of the young people for whom we believe raising the age to 21 will increase the risk of injury and death.

Thank you.

[The prepared statements of Mr. Birkley follows:]

WRITTEN TESTIMONY
OF
MICHAEL M. BIRKLEY
BEFORE THE
SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE
SENATE COMMITTEE ON LABOR AND HUMAN RELATIONS
JUNE 19, 1984

Adolescent and adult alcohol abuse is the nation's number one health and social problem as it is in most of the industrialized nations of the world. It is also one of the most frequently studied and heavily researched areas of human behavior.

In the past decade, hundreds of scientific investigators for the world's most prestigious institutions of higher learning, social, medical, and behavioral research, the National Institutes for Health, the World Health Organization and many others have conducted extensive studies of adolescent drinking patterns and behaviors in the fifty United States, Canada, Europe, Africa, Australia, Japan and the Soviet Union. The findings and conclusions presented in these many different studies are remarkably consistent; and, consistently at odds with the popular notion that raising the legal drinking age can, or will effect any reduction in youthful alcohol abuse. Indeed, the evidence strongly indicates that raising the legal drinking age is likely to result in **more**, rather than less, alcohol abuse among the underage population, as it did in at least three of the eight states which have recently raised their legal drinking ages and for which sufficient consistent data have been analyzed.1

Just as officials in those states have been perplexed by the negative consequences of their actions, the public generally finds it difficult to understand how legally restricting the sale, purchase, use and possession of alcohol could result in more alcohol abuse among those to whom the restrictions apply. Given an understanding of the causes, effects, nature and extent of adolescent drinking and youthful alcohol abuse, and an understanding of the functions and limitations of formal social policies (laws) in controlling these widespread social behaviors, the answers seem almost embarrassingly obvious.

Drinking is essentially a learned, adult social behavior. Young people learn about drinking as they learn about table manners and other adult behaviors; by observation, imitation and experimentation. Interviews with first and second graders reveal that they know a good deal about drinking and its effects on others, and they have opinions about why, where, when, how and how much people should drink. By age thirteen, most young people have had their first drink, usually at home with their parents and families, on holidays and special occasions.[2]

Sociologists have found that where drinking is a normative aspect of adult social behavior, the onset of social drinking outside the home is a normative aspect of the transition from childhood to adulthood. In their historic study of this transition-marking behavior, Jessor and Jessor found that, by measuring normal developmental shifts in attitudes toward independence, achievement, religiousity, authority, peers and parents, one can predict when an adolescent is ready to make the transition; to begin experimenting with adult drinking behaviors.[3]

The Jessors found, as many others have, that whatever the legal drinking age may be, the effective drinking age; the age at which most young people begin drinking in social settings outside the home, is sixteen.[4] Among American high school students less than fifteen percent of the freshmen, but more than fifty percent

of the sophmores (52%), seventy percent of the juniors (73%) and eighty percent of the seniors (80%) drink in social settings outside the home.[5] The percent who drink and level of drinking activity among adolescents varies from state-to-state and from community-to-community within the same state.[6] Researchers have found that differences in adolescent drinking patterns do reflect and parallel those of adults in the same communities. Citing numerous studies on the subject, the Research Triangle Institute recently reported that adolescent drinking is "directly related to parents' and peers' attitudes toward drinking and drinking practices" and "parental attitudes toward drinking are the best predictors of adolescent drinking."[7] Nationwide surveys of social attitudes and drinking practices conducted since the repeal of prohibition reveal that adolescent and adult drinking have been increasing at a relatively steady rate and statistically parallel since 1933.[8]

In the early 1970's, concurrent with reduction of the legal age in twenty eight states, there was a significant increase in the number of highway crashes, crimes and disturbances involving teenage drinkers.[9] Analysis of these disturbing increases reveal that they were not the result of changing drinking patterns among teenagers, but the result instead of a teenage population explosion which began, in 1970-71, as drinking ages were lowered and subsided seven years later, as drinking ages were being raised.[10] The increases and decreases in teenage drinking occurrences, attributed by some to lowering and raising the legal drinking age, were generally within the range attributable solely to changes in the numbers of teenagers.[11] Analysis of several hundred studies done in the past twenty years reveals no significant differences in adolesscent drinking with or among the fifty states due to differences in the legal drinking age.[12]

As researchers for the National Institutes and World Health Organization have discovered, where alcohol is readily and widely available to adults, it is not difficult for most underage drinkers to obtain; and, where young people are denied legal access, they obtain it illegally through cooperative third parties, parents, older-looking

or adult friends and relatives and unlicensed dealers, or they purchase it directly, with or without false identification, from unwitting, careless or cooperative legal sellers.[13] Although young people in states which have recently raised the age report somewhat more difficulty in obtaining alcohol,[14] there appears to be no difference in states where higher and lower drinking ages remained unchanged in the past decade.

According to the National Institutes on Alcohol Abuse and Alcoholism and Drug Abuse, there is more adolescent drinking in states where the legal drinking age remained at twenty-one than states where drinking remained legal at 18 throughout the past decade.[15] Wisconsin studies show no appreciable difference in ease of obtaining alcohol among underage high school students after the drinking age for wine and liquor was lowered from 21 to 18 in 1972.

Despite exuberant reports of success from those who fought and voted for the higher legal drinking age, in our study of alcoholic beverage revenues in four midwestsern states, we found no statistically signficant change in alcoholic beverage sales over the past ten years in any state. That is, there was no corresponding increase in sales when the drinking age went down, and no corresponding decrease in states which subsequently raised the age.[16]

As researchers for the Triangle Research Institute report in their study for the National Institutes of Health, "one important variable in adolescent drinking is the setting in which drinking occurs."[17] Other researchers have found throughout the world that, where young people are denied the opportunity to drink in supervised, licensed establishments they do their drinking in unsupervised, more remote and more hazardous settings; at friends homes, in parking lots, riding around in cars and in out-of-the-way parks, beaches and rural areas where they are less likely to be caught. The locations in which illegal underage drinking occurs generally involve more after-drinking driving and greater risk of highway crashes than would drinking in licensed settings.[18] As young people approach the legal age in years or appearance, they begin to drink

in supervised, licensed establishments, "bar drinking" increases and "car drinking" decreases.[19]

As Straus and Bacon discovered in the Yale University study of drinking in college; and Globetti confirmed in his study of adolescent drinking in two Mississippi communities: where drinking is more restricted or restrictions are more rigidly enforced, there is less drinking but more abuse, more drunkenness, more alcohol-related highway crashes, crimes, disturbances and personal dysfunctions among the target population that where drinking is less restricted or restrictions are less rigidly enforced.[20] These and similar findings by numerous other researchers have led to the prediction that, the closer the legal drinking age is to the effective drinking age, (the normative age of onset for social drinking) the more likely it is that drinking will occur in supervised settings, and the lower the risk of excessive consumption and alcohol-related crashes, crimes and disturbances will be. Conversely, the higher the legal drinking age is relative to the effective drinking age, the greater the risks will be among underage drinkers.[21]

Results from a number of states which have raised their legal drinking age appear to be consistent with these scholarly observations. Analysis of alcohol-related highway incidents in eight states for which sufficient experience and consistent data are available reveals that, in four of those states, raising the age had no statistically significant effect. In only one state, the State of Michigan, researchers report a significant **reduction** in alcohol-related crashes attributable to the higher drinking age. But, in three of those states, alcohol-related highway incidents dramatically increased with the increased drinking age.[22]

Immediately after raising the age to 19, highway deaths involving 18-year-old drinking drivers in the State of Minnesota rose to .71 per 1,000 drivers; the highest death rate for any driver age group in that state's history, four times the previous death rate for the same age group. Alcohol-related highway death rates for all underage drivers have remained consistently higher relative

to drivers not affected by the drinking age change in Minnesota.[23] In Massachusetts, the Commissioner of Probation reported a 27 percent increase in alcohol-related highway fatalities involving underage drivers, compared with an 18 percent decrease among older drivers (a relative increase of forty-five [45%] percent among underage drivers), after that state raised the drinking age from 18 to 20.[24] In Montana, the Insurance Institute reported that fatal crashes involving 18 year-olds increased by 17 percent after that state raised the age to 19.

On the basis of these experiences, chances appear to be four out of eight, or 50 percent, that raising the age will make any difference at all in alcohol-related highway crashes; and, three-to-one that the difference, if any, will be **more**, not fewer deaths involving underage drinking drivers. That is, raising the age raises a 13 percent chance that underage drinking driver fatalities will decrease, but a 38 percent chance of increasing alcohol-related fatalities among underage drivers.

In the continuing debate over the legal drinking age we have all been exposed to headlines, newspaper articles and wire service releases which tell us that, according to a recent scientific study, raising the drinking age reduced highway crashes and other indicators of alcohol abuse among those affected, followed by another which says just the opposite. Recently, for example, newspapers throughout the nation carried an Associated Press item which selectively quoted from a study by Dr. Alexander Wagenaar of the world-renowned Highway Safety Research Institute at the Unversity of Michigan. The headline read: "Raising the age reduces fatalities." The story which followed quoted Dr. Wagenaar's finding that raising the age had reduced highway fatalities **in the State of Michigan.** The story failed to mention that Dr. Wagenaar and his associates had also studied data for other states in which raising the age had **not** had any impact on serious highway crashes, or that he had warned against generalizing the Michigan experience to other jurisdictions, saying, "Before a blanket recommendation is made that all states should be encouraged to raise the legal drinking

age, one must consider [ ] other arguments for a lower drinking age;"[25] Nor have news accounts revealed that Dr. Wagenaar and his colleagues at the Highway Safety Research Institute have repeatedly found, in Dr. Richard Douglass' words, "Every state's experience is unique"[26] and that the reduction in underage drinking-driving fatalities in Michigan cannot be attributed solely to the higher legal age.[27]

In 1980, the Insurance Institute for Highway Safety predicted that "any state which raises the legal drinking age can expect a 28 percent reduction in fatal crashes among those affected by the law."[28]

While that may be music to the ears of those who support raising the age, to the people of Montana, Massachusetts and Minnesota, who had raised the age expecting a change for the better only to experience tragic increases in underage highway fatalities, the Insurance Institute's prediction is clearly at odds with reality. They have found, as have people in Maine, Iowa, Florida and Illinois, that raising the legal drinking age does not, in itself, effect any change for the better; that it does, indeed, increase the risks and reality of increased alcohol abuse among those whom it is intended to protect.[33]

While scientific investigators have found favorable as well as unfavorable changes in alcohol-related highway crash involvement among those affected by raising the legal drinking age, others have found equally favorable reductions in alcohol-related crashes among younger drivers in states which did not raise the legal drinking age during the same time period.[32]

Whatever the temporary effects of raising the legal age may be, changes observed from short-term observations of alcohol-related highway crash rates during the immediate post-change period are not particularly raliable indicators of long-term effects of different, higher and lower legal drinking ages over time. To determine the long-term effects of different legal drinking ages,

as opposed to the temporary effects of change, Birkley, Ganser and Quirke analyzed fatal crash rates in twenty-two states in which the legal drinking age for beer remained 18 (10 states) or 21 (12 states) during the five-year period 1970-75, and found that fatal crash rates for 18 through 20 year-old drivers were 8% higher where the drinking age was 21 than where it remained 18 throughout the time period.[33]

Further analyses of these data, however, revealed that this difference was not statistically significant and confirmed the null hypothesis; that is, there was no difference in 18 through 20 year-old drivers' crash rates attributable to the differences in the states' legal drinking ages.

These findings were consistent with the National Highway Traffic Safety Administration's 1974 study of the 50 states which also found no significant difference in highway crash involvement at any age - attributable to differences in the states' legal drinking ages.[34]

In short, higher legal drinking ages do not effect any long-term difference in highway crash rates among those affected.

In most states it is illegal for an adult to sell or provide alcohol to a minor. But survey results indicate that every year, there are more than 350 million underage drinking occurrences in the Nation.[31] Behind every one of those occurrences there is an adult who unknowingly, carelessly, or deliberately provided the alcohol, yet there are few arrests and fewer convictions of underage drinkers or their adult accomplices.[29]

Citizens don't report violations, witnesses refuse to testify, police don't arrest, prosecutors don't prosecute, juries don't convict and judges defer sentence on all but a handful of the millions of the nations violators annually. The existing law doesn't work because it isn't enforced; and, it isn't enforced because the general public is unwilling to risk the social consequences of exercising their

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duty to report and testify against underage drinkers "who don't get drunk or cause trouble" or the adults who provide them with alcoholic beverages, even when it results in death, injury or other negative consequences.[30]

Given the failure of the general public to participate in, cooperate with or demand effective enforcement of the existing drinking age laws, there is little likelihood that raising the age one, two or even three years will enhance the likelihood of enforcement. Indeed, responses to public opinion polls indicate that the higher the legal drinking age is, the less willing the general public is to assist in its enforcement.

The futility of attempting to control the use of alcohol among young people by law alone is most clearly demonstrated by the fact that, although the overwhelming majority of the citizens oppose the use of marijuana; despite the fact that it is illegal everywhere and that there is not one single legitimate outlet for smoking marijuana without prescription anywhere in the United States, it is available throughout the land, it is the most frequently used drug next to alcohol and tobacco, and the drug most frequently used on a daily basis by the nation's high school seniors.[31] Certainly, if laws cannot successfully control our children's access to and use of marijuana, there is no likelihood at all that laws can effectively control their access to and use of alcohol, which is available in more than 750,000 licensed establishments, eighty percent of the nation's households and virtually every picnic, party, graduation, church social, fundraiser, social and sporting event at which more than two adults are present.

Those who advocate raising the legal drinking age tell us that, while it is not the solution to the adolescent drinking problems and while it may not do much good, it certainly can't to any harm and is at least a step in the right direction. They are wrong on all counts.

Not one, two or two dozen, but more than two hundred experts

in the field have found evidence that raising the age is not even a partial solution to the problem; it is likely to do more harm than good; and, it is a step in exactly the wrong direction.

Because it is futile at best and fatal at worst, I ask you to reject this proposal and to focus instead on mechanisms for changing the social attitudes which common sense and scholarly research have clearly identified as the single, most influential factor in controlling the behaviors of our children.

FOOTNOTES

(1) Minnesota and Massachusetts both experienced significant increases following the raised drinking age.

(2) National Institute on Alcohol Abuse and Alcoholism, 1974; Johnston, etal, 1979; Blane, 1977.

(3) Jessor and Jessor, 1973.

(4) Bruun, 1963; Blackford, 1977; Davies, 1972; Gallup, G. 1977; Johnston, 1979; Kandel, 1980; Mandell, 1962; Marden, 1977; Mulford, 1960; NIAAA, 1974.

(5) Johnston, 1979; Brehm 1975; Rachal, 1980; Wisconsin School News.

(6) Abelson, 1977; Birkley, 1978; Blackford, 1977; Blane, 1977; Mandell, 1962.

(7) Rachal, 1980, p. 137.

(8) NIAAA, 1974; Blane, 1977; Rachal, 1980.

(9) Wagenaar, 1981 (Nov.)

(10) Birkley, 1978, p. 5. See also: Characteristics of the Population, U.S. Department of Commerce, Bureau of the Census, 1971.

(11) Although in some states analyses of highway crashes and alcohol-related crimes and disturbances found per capita increases among those affected by the lower drinking age, in most there was either a statistically declining or stable rate per capita. See: Douglass, 1977, Cuchiaro, 1974, Naor, 1975, Birkley and Quirke, 1979.

(12) NIAAA, 1874; Gallup, 1972; Brehm, 1975; Harris, 1975; Rachal, 1980.

(13) NIAAA, 1974; Bruun, 1975; Bonnie, 1980; Globetti, 1964; Matlins, 1975; Popham, 1973; Birkley, 1979.

(14) Maisto, 1980.

(15) Non-change states by drinking ages and () rank in apparent consumption among adults and adolescents fifteen and older are:

Age 21: Oregon (24), Nevada (1), California (7), Washington (21), New Mexico (22), North Dakota (23).
Age 18: New York (20), South Carolina (29), Louisiana (33).
(Source: Reports of Single State Agencies to NIAAA, 1976)

(16) See Birkley, 1978, p. 19.

(17) Birkley, 1981.

(18) Rachal, 1980, p. 137.

(19) Wisconsin School News, 1979; NIAAA, 1974: Massachusetts, 1978; Bacon, 1979; Bruun, 1963; Blackford, 1977; Bruun, 1975; Maisto, 1980; Matlins, 1975; Room, 1971; Zylman, 1974, 1976.

(20) Globetti, 1964; Straus and Bacon, Drinking In College, New Haven: Yale University, 1964.

(21) Zylman, 1974; Naor, 1974; Chafetz, 1979.

(22) Douglass, 1979-80; Massachusetts, 1980; Wagenaar, 1981 (Nov.); Williams 1981; See Minnesota data, attached.

(23) See data attached.

(24) Massachusetts, 1980.

(25) Wagenaar, (JPHP) 1981, p. 16.

(26) Douglass, 1977.

(27) Douglass, 1979-80. Also Wagenaar, (JPHP) 1981, p. 14.

(28) Williams, 1981. See also Birkley, M.M., Analysis and Comment, Unpublished.

(29) In Wisconsin, convictions of adult providers numbered less than 20 per year prior to 1980. Juvenile arrests for violations totaled less than 1,500 annually.

(30) Birkley, M.M., 1978, pp. 40, 41, 84, 85.

(31) Johnston, et al, 1979.

(32) Birkley, MM "Death and the Legal Drinking Age: A Tri-State Study", Issue Brief, Madison, Wisconsin, The Blaney Institute, 1983. (Addendum D)

(33) Birkley, MM, Ganser LJ, Quirke MA, "Traffic Accidents and the Legal Drinking Age In Wisconsin: A Second Opinion" Unpublished Manuscript, 1983. (Addendum C)

(34) National Highway Traffic Safety Administration; The Legal Drinking Age - A States Study, Washington D.C., 1974.

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Senator HAWKINS. Thank you, Mr. Birkley. In any of your statistics, do you show that consumption is up or down?

Mr. BIRKLEY. Senator?

Senator HAWKINS. In any of your statistics, do you show that consumption is up or down when a State raises its drinking age?

Mr. BIRKLEY. That is very interesting.

There is no evidence at all that consumption went down when the drinking age went up anywhere. In fact, I did a four-State study of beverage revenues, and one of the arguments sometimes used in the States is that if you raise the age, we are going to lose tax revenues.

That did not happen in Michigan. That did not happen in Illinois. That did not happen in Iowa. That did not happen in Minnesota. In fact, consumption figures went up in every State that raised the legal drinking age.

So, in effect, what is going to happen—and we are very confident of that—the reason the distillers and the brewers are not here is because they are not going to lose any business at all; they are not going to lose any business at all.

We are here because we are going to lose business to the illegal purveyors—our segment of the industry to the illegal purveyors.

And the blood border issue is a whole other issue. If people believe in the Insurance Institute study, they ought to read what it said about the so-called blood border. The Insurance Institute study, which took a particular look at the States of Wisconsin and Illinois, found no statistically significant difference attributable to the difference in our States' drinking ages in the number of Illnois people who were killed in Wisconsin. There was no blood to measure.

Senator HAWKINS. How about in Washington and Idaho which we heard discussed this morning?

Mr. BIRKLEY. We find that there is a stronger—well, in the State of Wisconsin let me tell you what our State department of transportation found in reporting to the Senate majority leader.

Actually, wherever there is a high incidence of longstanding travel for recreation from one State to another, you will expect, of course, to find higher rates of alcohol-related crashes among the visitors. And there was no indication in Wisconsin that that had

changed as a result of raising the age in any of our neighboring States.

So while it is reasonable to believe that some people would travel across State lines to drink legally rather than illegally in the boondocks somewhere, so far the evidence, at least from the Insurance Institute, is that it has not killed anybody, and that those who have been killed—from neighboring States—have not been increasing significantly disproportionate to the population residing within the same State.

Senator HAWKINS. Thank you, Mr. Birkley.

Celeste Bergman, we will hear from you at this time.

Ms. BERGMAN. Thank you. On behalf of the Florida Student Association and the U.S. Student Association, I would like to thank all of you here today for the opportunity to air our case.

The Florida Student Association represents students at the nine State university. That's approximately 140,000 students in the State of Florida. The U.S. Student Association is the oldest and largest national student organization, representing over 3 million postsecondary students at over 400 campuses in 35 States.

Both FSA and USSA are opposed to legislative efforts to establish a 21-year-old drinking age standard. In particular, we oppose S. 2719 or any similar amendments to the Lautenberg bill.

We want to make clear from the onset that we are not in favor of irresponsible alcohol consumption; that we, too, are concerned about the loss of lives related to alcohol and traffic fatalities.

We just feel that there are better alternatives than the bandaid approach of raising the drinking age, and we want to say that you can be opposed to raising the drinking age to 21 and still be concerned about some of the alternatives to deal with the above-mentioned problems.

I am very pleased to be here. Yet, at the same time I am a little amazed that we are dealing with this on a national level. We realize that the United States is riding on an emotional tide which seeks an answer to the problem of alcohol abuse and drunken driving, but we ask that you put emotion aside and look at the facts that we are to lay before you.

My testimony here goes into those facts in detail, but I think we have heard a lot of statistics now and I would like to just touch on some of the things that I have heard said here because it also makes me angry.

I heard Senator Danforth say that if we save 1,000 lives, it is worth it. I do not believe that. I do not believe that age discrimination is worth it at any cost. I believe we send people to other countries to fight for lives, to fight for people's rights. Yet, we are willing to take them away here for something that may help.

Also, the woman from the National Highway Traffic Safety Administration said State laws tend to work better. Four States did raise the age; 19 did not. Why, all of a sudden—something I do not understand—does Washington or the U.S. Senate and Representatives have all the wisdom? All of a sudden, the States do not know what is best in their own territory.

And the Mothers Against Drunk Driving representative, Candy Lightner, said the safe ride programs are 75- to 80-percent effective. That is more effective than this law could ever be.

She also said that 16 percent of America's fatal crashes are caused by people under 21. Well, what about the other 84 percent? We are concerned with saving everyone's lives. We appreciate these efforts to protect us kids under 21, but, you know, that is not all that is important here. We are losing this issue.

I have been trying to understand why we have gotten this far on this issue. I could see maybe if someone was making some money off it or something that was going somewhere. But do you know what people have explained it to me as? Well, it is a sexy issue; it is an emotional issue.

These ladies say they have other things on their agenda. What are they? I have not heard anything on their agenda besides the raising of the drinking age.

FSA has also—the Florida Student Association has also worked long and hard on this issue, and we do not have any money either. We just have a very strong belief in the right solution to this problem.

They said that parents are drinking in front of their teenagers, and you have to do something about parents first. What are we doing about the parents? Children imitate their parents. Raising the drinking age for children, 19- and 20-year-old children, is not the answer.

She also said it is a matter of education. We agree wholeheartedly; it is a matter of education. She talked about the liquor stores. Why do you not enforce those laws? Why do those people get away with selling liquor to people under the age limit?

The availability of alcohol is another point that was made, and that must be dealt with first, also. All these things must be dealt with first. Yet, they are asking that you quickly raise the drinking age. It does not make sense to me.

And I hear us called kids over and over again; kids watch soap operas. Kids are in school. And 18-, 19-, and 20-year-olds are not kids. We represent millions of students who base their lives right now on education; we believe in education.

People say drunk driving is the leading killer of youth, according to the National Council on Alcoholism. I do not know many young people that die of cancer and heart disease. That is a misleading statistic.

There are so many things on this that we feel are important, but most of all we truly believe that this is an issue of age discrimination. Statistics can be looked at in many different ways. My statistics from the National Highway Traffic Safety Administration technical report of May 1982 find that 18-, 19-, and 20-year-old drivers were less blameworthy in alcohol-related traffic fatalities than drivers 21 to 44.

Yet, politicians and other individuals are placing the full burden on the shoulders of these young citizens. Why? There seems to be a belief, I think, that young people are politically impotent; that they are not responsible if they are under the age of 21.

I think politicians may perceive students as nonvoters. Therefore, they have nothing to worry about in us. It is easy to please the majority and discriminate against a minority whom you have nothing to fear from.

That is a misrepresentation. Just because we do not riot or demonstrate or have sit-ins like they did in the 1960's does not mean that we are not active. We choose to be active in more constructive ways, which is why we are here today.

Voter registration, which is at the heart of democracy, in my opinion, is the number one goal of student groups across this Nation. The Florida Student Association, of which I am a representative, is quickly reaching its goal of registering 20,000 new voters by November in the State of Florida, and that is just the State of Florida.

Most of all, young people who abuse alcohol and drive are the exception; they are not the rule. In Florida 99.2 percent of all young people between 19 and 20 years of age were not involved in any alcohol-related accidents, according to the Florida Department of Highway Safety and Motor Vehicles.

This means that over one-third of 1 million young people exercised this right or privilege, or whatever you want to call it, responsibly. Less than 1 percent did not. Yet, everyone is going to be discriminated against. This is an unreasonable denial of adult rights or privileges for less than compelling reasons.

I would like to sum up some of these points on age discrimination by paraphrasing a recent quote made by the Secretary of Transportation, which really angered a lot of people, young and old.

Ms. Dole stated, "We can no longer allow our young people to drink and drive." Well, ladies and gentlemen, if you follow that logic it says to me that we can allow older people to drink and drive.

Mr. Birkley covered the issue of sex discrimination, and that is very true. Eighty-seven percent of all traffic-related accidents crossing all age barriers are caused by men, and I think that is an important question here.

The question of saving lives has been debated here, too. I find statistics that show that it does not save lives—reliable statistics. But another good point was made. Underage people who wish to obtain alcohol can do so. The National Institute on Alcohol Abuse and Alcoholism noted in its third annual report, "Where alcohol is readily available to older adults, it is not difficult for underage drinkers to obtain. Adolescent drinking patterns resemble adult drinking patterns, no matter what the legal age." I think everyone here has agreed with that.

But another point that I have never heard stated and possibly I can state to you because maybe I am a little closer to these ages involved is the prevalence of false identification cards.

I have done quite a bit of unscientific research. I have worked with juvenile delinquents in my education at the University of West Florida, and both in my time and currently most people possess a fraudulent ID card, and this has been a common practice.

These cards are easy to obtain. They are usually sold in magazine ads, and it is not just questionable individuals that have them; it is everyone that has them. Students and young people do not have a problem with that if they just do not see the difference a couple of months make between them and their friends and they want to go out.

It is wrong, it is illegal, but it is a reality. Why are we not doing something about that?

The loss of jobs is something that concerns us because of our constituency, and Mr. Snow will cover that. But the National Restaurant Association estimates that 5 million people are presently employed nationwide in beverage service, and 30 percent of those are under 21.

Can you imagine what the loss of those jobs will do to these college students? It will hurt them quite a bit.

The Florida Student Association and the U.S. Student Association agree with the Mothers Against Drunk Driving, and we have made many efforts to work with these individuals. And we believe that education is the answer to the Nation's alcohol abuse problem. This is a country that was built on education.

Young people are ready to learn when they are in schools, and we want to make it clear again that we do not advocate alcohol abuse. The Florida Student Association endorsed legislation such as the open container bill in Florida and House bill 1029, which is probably the best idea I have heard so far, which proposed a mandatory alcohol and drug abuse program via the public schools for the purpose of informing young people of the dangers involved in consuming alcohol or drugs as related to personal health or motor vehicle operation.

Under that law, no driver's license could be issued to someone under 18 years of age who had not completed this program. That died in appropriations in the Florida Legislature.

Both associations also endorse mandatory DUI sentencing and stiffer fines for DUI offenses. But aside from the enactment of new laws, we seek stronger enforcement of the legislation presently on the books.

For example, go after the companies that make these false ID's; go after the liquor stores that sell to people with false ID's or with no ID at all, because that is very, very prevalent. Why not make our motorists more aware, as we have been talking about, of the ability of seat belts to save lives?

To quote President Reagan in his remarks on signing Executive Order 12358 which established the Presidential Commission on Drunk Driving in April 1982, "You simply will not hear any figures more important than these: nearly 500,000 people were killed on our highways last year. About half of all people could be saved if they had been wearing seat belts. Think of it—half. They could have been saved with just one little click of the buckle." Certainly, no law will ever be that effective.

I just do not understand why we are not working on those kinds of laws. I have a neighbor who has a Toyota, and I know it is not an American car, but it has a seat belt that moves on a runner. It is so unobtrusive, no one ever knows that it is on.

Certainly, we are not going to force our citizens to put seat belts on, but we could force our car manufacturers to put those in. It would save half of all lives, no matter what their age, no matter if they were drunk or not.

We are talking about saving lives, but somehow all the focus is on 18-, 19-, and 20-year-olds. It is unfair; it is unjust. It is not the answer to the problem.

The measure passed by the House of Representatives on June 7, 1984, which requires all States to raise their legal drinking age to 21 or lose Federal highway money, is seen by many as political blackmail and hyprocrisy.

The Reagan administration and conservatives in general—and, Senator Hawkins, I know you have been a States' rights advocate—believe in the protection of the sovereign rights of States. To support this legislation is to go against everything that they have stood for.

It does not make sense. It sets a very bad precedent because, as a friend of mine said, if a law is good this kind of force would not be necessary.

We are intelligent, capable, and willing young citizens who believe in our country and the democratic system of government which protects the will of the minority while upholding the will of the majority.

You are a leader in the Senate. Please, do not allow us to be discriminated upon. We are young citizens, responsible citizens, who are really working for the betterment of this country. Stand with us. We will work with you toward a true solution, a true solution toward the problem of alcohol abuse in this country because we believe we can do it, and we want to do it and we want to educate our people. And we can do it if we all work together and stop putting so much time into something that will not be the answer and really disappoint our public.

Thank you.

[The prepared statement of Ms. Bergman follows:]

TESTIMONY

before the

SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE

of the

UNITED STATES SENATE

on the

subject of

RAISING THE DRINKING AGE

by

CELESTE L. BERGMAN

Representative
of the
Florida Student Association
and the
United States Student Association

June 19, 1984

40-052 O - 85 - 8

MADAME CHAIR and MEMBERS OF THE COMMITTEE

On behalf of the Florida Student Association (F.S.A.) and the United States Student Association (U.S.S.A.) I would like to thank all of you for the opportunity to air our case here today. On a personal level I am a bit overwhelmed. As a very recent graduate of the University of West Florida in Pensacola, FL, holding a Bachelor's Degree in Political Science, I cannot tell you how much it means to speak before a U.S. Senate committee, especially one comprised of such prestigious individuals. Yet, at the same time I am amazed that we are here, dealing with this issue on a national level. Although we realize that the United States is riding on an emotional tide that seeks an answer to the problem of alcohol abuse and drunken driving we ask that you put emotion aside and listen to the FACTS that we will lay before you.

I. AGE DISCRIMINATION

Many people assume that drivers 18, 19 and 20 have the worst driving safety record as to alcohol related fatalities. That is not correct. The most reliable hard data on alcohol related fatalities is contained in the National Highway Traffic Safety Administration Technical Report of May, 1982. N.H.T.S.A. found that 18, 19 and 20 year old drivers were less blameworthy in alcohol related traffic fatalities than drivers 21 to 44. The Florida Department of Highway Safety and Motor Vehicles Traffic Data for the latest complete year, 1982, indicates that as to alcohol involvment in all accidents, 19 and 20 year old drivers had a better driving record than drivers age 21 through 25. If one were to look at the age of drivers involved in fatal accidents in Florida, 37 year-olds had proportionately the highest frequency of alcohol related deaths in 1982; the 19 year-ols rank 18th, while the 20 year-olds rank 21st. Thus, reliable statistics clearly show that 18-20 year olds are not involved in alcohol related accidents as often as their elders. Yet politicians are placing the full burden on the shoulders of these young citizens. WHY? There seems to be a belief that people under the age of 21 are not responsible citizens, that they are politically impotent. Politicians may perceive students as non-voters, therefore they have nothing to fear from us. They can appease the majority who vote, our elders, by discriminating against the minority who do not. This a misperception. Just because we do not roil or demonstrate, or have sit-ins as they did in the 60's, does not mean we are not active. We choose to be active in more constructive ways, which is why we are here today. Voter registration is the number 1 goal of student groups across this nation. The Florida Student Association is quickly attaining its goal of registering 20,000 new student voters by November, and that is just in Florida.

Young people who abuse alcohol and drive are the exceptions, not the rule. In Florida, 99.2% of all young people between 19 and 20 years of age were not involved in any alcohol related accidents in 1982, according to the Florida Department of Highway Safety and Motor Vehicles, That means that well over 1/3 million (353,729) young adults responsibly excercised their privilege to drink while less than 1% did not. Raising the drinking age is a punitive measure which unfairly treats all 19-20 year olds as irresponsible, when a tiny fractionof the group creates drunk diving problems. This is an unreasonable denial of adult rights for less than compelling reasons. I would like to sum up my points on age discrimination by paraphrasing a recent quote made by of Secretary of Transportation. Ms. Dole stated "...we can no longer allow our young people to drink and drive..." If you follow that logic, it seems to say that we can allow older people to drink and drive.

Alcohol abuse and drunken driving crosses all age barriers and all people. It is an injust and poor solution to single out 2 or 3 years worth of citizens to solve an age-wide nationwide problem/

II. SEX DISCRIMINATION

Not only does the proposed raising of the drinking age discriminate by age, it also discriminates by sex. Data presented to the National Council on Alcoholism in 1981 included the dramatic finding: "Another major characteristic related to crash involvment is gender with 87% of the crash involved drinking driver being males" (at page 3). Under the age of 21 the persentage of males was even higher, 89%, so females under 21 are involved in alcohol related crashed only 11% of the time, yet the law would affect both sexes equally.

III. THE QUESTION OF SAVING LIVES

Proponents of the raising of the drinking age contend that hundreds of lives could be saved by the enactment of the law, but once again, the stastistics show this is simply not the case. The truth is that after Florida raised the age from 18 to 19, alcohol related fatalities among 18 year-olds increased over 21% while there was a substantial decrease for all other ages. This holds true even when the number of licensed drivers during the time-period is taken into consideration. Restricting the legal drinking privileges of those under 21 is not an effective mechanism for saving lives. In fact the statistics tend to indicate that raising the legal age has a dangerous reverse effect.

IV. THE QUESTION OF REDUCING DRINKING

Underage people who wish to obtain alcohol can do so. As the Notional Institute on Alcohol Abuse and Alcoholism noted in its Third Annual Report to Congress, "where alcohol is readily available to older adults, it is not difficult for underage drinkers to obtain." Adolescent drinking patterns resemble adult drinking patterns no matter what the legal purchase age. Young people simply fid someone over the legal age to procure the alcohol for them and then go to a remote setting or drive around and consume their purchase. This is even more dangerous than drinking in a controlled environment.

Another point that must be brought to light here is the prevalence of false identification cards. I have done quite a bit of 'unscientific' research and can say that most people under the legal drinking age possess a fraudulent I.D., and this has been common practice for quite some time. These cards are easy to obtain; usually sold in magazimes via ads. And it is not just questionable individuals that have them, everyone has them. It is wrong, it is illegal, but it is reality.

V. THE LOSS OF JOBS

If the legal purchase age is raised to 21, it could cost hundreds of thousands of young people their jobs.

It is common for students to work their way through school as waiters, waitresses or bartenders. The National Restaurant Association estimates the 5,000,000 people are presently employed nationawide in beverage service and that over 30 percent are under age 21. In most states it is illegal for underage personnel to serve alcoholic beverages, and wen where it is not forbidden by law, it is regarded as a bad business practice to permit it. Thus raising the drinking age to 21 will wipe out these job opportunities for students.

VI. MEASURES THAT WOULD BE EFFECTIVE

The Florida Student Association and the United States Student Association firmly believe that education is the answer to the nation's alcohol abuse problem.

We wish to make it clear at this juncture that we do not support alcohol use or abuse. The F.S.A. endorsed legislation such as the Open Container bill and HB 1029, which proposed a mandatory alcohol and drug abuse via the public schools for the purpose of informing young people of the dangers involved in consuming alcohol or drugs as related to personal health, as well as in connection with the operation of a motor vehicle. Under that lay no driver's license would be issued to a person under 18 years of age who did not have proof of completion of the program.

Both Associations would also endorse mandatory D.U.I. sentencing and stiffer fines for a D.U.I. offense.

But aside from the enctment of new laws. we seek stronger enforcement of legislation presently on the books. For example, why doesn't someone go after the many companies and magazines involved in the production and sale of false identification cards? or why not make our motorists more aware of the ability of seat belts to save lives? To quote President Reagan's remarks on signing E.O. 12358 establishing the Presidential Commission on Drunk Driving, April 14, 1982: "...you simply won't hear any figures more important than these. Nearly 500,000 people we killed on out highways last year. About half of all the people ... could have been savied if they had been wearing seat belts. Think of it--half. They could habe been saved with just one little click of the buckle." Certainly no law will ever be that effective.

VII. THE ISSUE OF STATES RIGHTS

The measure passed by the House of Representatives on June 7th, 1984 which requires all states to raise their legal drinking age to 21 or lose federal highway money is seen by many as political blackmail and hypocrisy. The Reagan Administration and conservatives in general have professed a belief in the protection of the sovereign rights of states. To support this legislation is to go against everything they have stood for. It does not make sense and it sets a very poor precedence, because if a law is good, this kind of force would not be necessary.

VIII. PERSONAL OPINION AND SUMMARY

We are intelligent, capable and willing young citizens who believe in our country and the democratic system of government which upholds the will of the majority but does not discriminate upon the minority. You are leaders in the Senate. Please do not allow the young people of this country to be discriminated upon. Stand with us. We will work with you toward a true solution for the problem of alcohol abuse in the country. We believe we can do it--together.

Senator HAWKINS. Thank you.

Mr. Snow?

Mr. SNOW. Thank you, Madam Chairman. My name is Robert J.S. Snow and I am the president of the Florida Entertainment and Dining Association. I am also an active member of the National Restaurant Association, and I have entertainment and dining operations in the cities of Orlando and Pensacola, FL.

We in the restaurant industry have become very much aware of the emotion and the growing concern for drunken driving. However, it has been apparent that those of us that would like to look at other solutions have been painted into a corner of not caring about young lives.

It just seemed a little too pat 4 years ago when this whole question came up in the State of Florida, as well as the other Southeast States, as well as it has across the United States.

Now, you have heard many statistics today, and I would say that from the first panel and the proponents of raising the drinking age, there was almost a blanket statement that all studies show that raising the drinking age is going to cut down on fatalities.

I am not going to get into any more statistics. Enough of those have shown that there is another way of looking at this. I just would like you to know that we have heard from about three studies which seem to support the contention of raising the drinking age.

I would like you to know that we checked and did a computer run, and the Federal Government has paid for 136 studies pertaining to driving and drinking with age—136 of them. If you were to pick out just a few, probably the one that NHTSA and the National Transportation Safety Board say is the most important because it uses the 15 States that have the best blood alcohol reporting procedures—the National Highway Traffic Safety Administration's technical report that you have just heard about—the bottom line of it is that the 18-, 19-, and 20-year-olds have got a slightly better

record with alcohol involvement in accidents than any age group from 21 to 44.

So if anybody in this room is between the age of 21 and 44, we should be starting with our problems of drunken driving before we look to the problems of the under 21.

Phillip Cook, Duke University, did a study on 41 States, which had 18 as the legal age and others that had an historic 21 drinking age. What did he find out? There were 8 percent more fatalities in the 21-year-old States where the 18-, 19-, and 20-year-olds were illegal to drink than there were in the 18-year-old States where it was legal to drink.

We only have to look to the State of Florida, my home State and yours. For the last 4 years, there has been emotional, heavy debate concerning raising the drinking age in the State of Florida.

Now, what I am going to tell you about the State of Florida does not come from surrogate studies, projections, those types of things that are best handled in Ph.D. dissertations. I am going to tell you that they are raw, basic data that came from the Division of Florida Highway Patrol.

And it shows that in the last reporting year, all drinking fatalities in the State of Florida went down 15 percent. It also shows an amazing fact that without raising the drinking age, the 19-year-old fatalities went down 34 percent. The 20-year-old fatalities went down 46 percent, and these 19- and 20-year-olds had less involvement with drinking and driving than any age group up through 40.

Now, I want to tell you about one age group that did not go down. That was the 18-year-olds the State of Florida made illegal to drink in 1980. There was an increase of 21 percent in fatalities of 18-year-olds when it was illegal for them to drink in this last year, 1982, than when it was legal for them to drink in 1980, which brings us to the basic point that I think must be considered.

And you asked this question, Senator: Does consumption go down? Well, it does not; consumption does not go down. What happens is we just change the point of sale. Now, we have been condemned by the proponents of raising the drinking age as being that liquor industry with those high-paid lobbyists.

I will tell you that we have been here in Washington for the last 2 weeks and I have not seen one of those high-paid lobbyists yet. What you are looking at is the restaurant industry, the tourism industry, the entertainment industry-consumption on premises.

We sell less than 25 percent of the alcoholic beverages served in this country, but raising the drinking age is just going to change the point of sale from regulated, licensed operations like ours to illegal sales from package stores and convenience stores, where they are going to be drinking on the back roads and on the beaches in a much less healthy environment.

We are not going to be treating them like full-fledged, real adults; we are going to be treating them like second-class citizens. And I think this is going to have its effect because I think just like prohibition, it is going to breed a kind of a disrespect for law in general.

Not only in Florida did raising the drinking age not work, but, in fact, it increased more fatalities. The fatalities actually increased in that age group where they were trying to stop it. In the age

group affected, raising the drinking age had more fatalities incurred in the State of Montana, in the State of Iowa, in the State of Minnesota, in the State of Georgia, in the State of Massachusetts.

So it is not a complete, deadlock case that raising the drinking age will do any good. I would think that there are other comments that have been made that need to be looked at. There were 21 State legislatures, State houses, that looked at the question of raising the drinking age. Nineteen of them turned them down, as did the State of Florida, Georgia, Alabama, in our Southeast States.

Why did they do that? I would suggest that they did that because there was a tremendous amount of emotional rhetoric. There was a tremendous amount of debate concerning this in these houses, and they found that the statistics are as we say; that there is no logical reason to raise the drinking age other than it is an emotional issue. It does not affect most of us.

It is an unorganized group politically that we are discriminating against, and it is a very nice, quick fix. But I do not think this quick fix is working. It has not worked in other States, and it surely should not be mandated here in Washington after 19 of 21 States found that the merits of this case just did not cut it.

There were 98 recommendations in the President's Commission on Drunk Driving on how this country could best cut down on drunken driving. There was only one that discriminated against an age group, and that was this one on raising the drinking age. It was in the middle of the book, No. 42, and it took up about a half a paragraph.

I think we should try one of the other 97, or all of the other 97—public awareness, education, which are No.'s 1 and 2. And I think we should all join together, as our restaurant industry has and our tourist industry, in trying to do things that are on a positive basis, like our designated driver programs, like our free taxi rides home that we have done with the taxicab companies in Florida, like our server education—those kinds of things that do not discriminate and are very effective.

In Florida, when we put on a large blitz for these programs over the Christmas and New Year's holidays, there was a 50-percent reduction in fatalities on our highways. I think these kinds of things are positive and they might get down to the real root of the problem of drunken driving, which is drunks driving cars, not age.

We would hope that this might possibly lend some light to where the other side of this question might be coming from. And we thank you very much for allowing us to speak our thoughts on this issue, and we would hope that we do not go for a bum-rap on these under-21's because I think it is going to turn out to be a cruel hoax.

I do not think it is going to do any good as far as cutting down on fatalities. It might even do some harm because as one researcher said, this whole idea of raising the drinking age might be futile, at best, and fatal, at worst.

Thank you, Senator.

[The prepared statement of Mr. Snow follows:]

TESTAMONY

BEFORE THE

SUBCOMITEE ON ALCOHOLISM AND DRUG ABUSE

OF THE

UNITED STATES SENATE

ON THE

SUBJECT OF

RAISING THE DRINKING AGE AND

ITS EFFECT ON ALCOHOL-RELATED

TRAFFIC FATALITIES

BY

ROBERT J. SNOW

PRESIDENT

FLORIDA ENTERTAINMENT & DINING ASSOC.

ORLANDO, FLORIDA 32801

JUNE 19, 1984.

SHOULD THE LEGAL DRINKING AGE BE RAISED

Congress has before it bills to raise the drinking age to 21 nationwide. Before supporting such a measure the following should be considered:

1. Drivers 18 to 20 have a comparable if not better driving record as to alcohol related fatalities than age groups 21 and older. Discrimination against these young citizens by age is simply not justified. Studies cited by proponents omit this essential comparison. The truth is that almost all comparative investigations have shownthat the worst drivers are over age 21. The most reliable hard data on alcohol related traffic fatalities is contained in the National Highway Traffic Safty Administration Technical Report of May, 1982. NHTSA is the national collector of data from the 50 statesand the District of Columbia. NHTSA study shows that 18, 19 and 20 year old drivers are less blameworthy in alcohol related traffic fatalities than drivers age 21 to 44.

2. Raising the legal age has not had any measurable safty effect. Don't assume that many lives will be saved. Some states have experienced an increase in alchol related fatalities in the affected age after raising the age. Don't buy the suggestion that evan if the law won't work, it can't do any harm.

Reviewing studies of eight states which raised the drinking age, Birkley, et al., found (Wisconsin Medical Journal June, 1983) three states had a significant increase in fatalities, two states had no significant change and three states has a decrease. Thus the law is just as likley to cause an increase in fatalities as a decrease (and it should be noted that two states which reported a decrease, Michigan and Illinois, did not have as much decrease as their neighbor Wisconsin which had retained the 18 year old drinking age during the same time.

Those pushing to raise the age make broad claims that meny young lives will be saved, thus seeking to put anyone opposing the change in the posture of opposing the saving of lives. It is an unfair tactic and it is not supported by the facts.

For example, the latest Florida data (through 1982) shows that fatalities among 18 year olds rose from 19 in 1981 to 23 in 1982, an increase of over 21%, while alcohol related fatalities among 19 and 20 year olds went down sharply and there was also a decrease of over 13% for all ages. The law either did not work or it may have had a worsening effect. Other states have had similar experiences.

3. Raising the legal drinking age has no effect on the actual drinking age. Emulating adult behavior, young people worldwide normally experiment with alcohol at age 16 regardless of the legal age. Long term studies indicate that the wider the gap between the actual and legal ages, the worse the traffic safety result. Thus states with lower legal ages had better driving records for young drivers than states with age 21.

A long term study by Philip Cook of Duke University analyzed the difference in fatality rates for 18 through 21 years old drivers in 41 states and found "surprising results" that "the 18-minimum states actually have a lower median fatality rate than the 21-minimum states." A more refined analysis by Birkley, et al. (supra) of 22 states with the 21 age revealed that "...the median fatal crash rates among 18-20 year old drivers were 8% higher (.54 per 1,000) than in states where the legal drinking age remained 18 (.50 per thousand).

4. Raising the age does not cut down on sales or consumption. It merely changes the places of sale and consumption. That can be more dangerous since drinking on a licenced premises is more likely to be moderate and controlled than unsupervised drinking in the back of a car or some secluded spot.

In the 14 states that increased their drinking ages between 1975 and 1981, there was a 6% increase in consumption of actual alcohol while, nationwide, there was only a 4.6% increase over the same period (according to information from the Distilled Spirits Council of the U.S. and the U.S. Brewers Association). The fact is that sales do not go up and down with the legal drinking age. If the law worked, sales should decrease, but that does not occur since the alcoholic beverages are readily attainable from other sources.

5. 1,000,000 young people stand to lose their jobs if the law passes. It is common practice for youngsters to work their way through college as waiters and bartenders. 5,000,000 people are presently employed in food and beverage service and it is estimated that over 30% are under 21. In most states it is illegal for underage personnel to serve alcoholic beverages, and even where it is not forbidden by law, it is bad business to permit it.

The above are estimates by the National Restaurant Association. Some proponents argue that these underage servers do not have to be terminated simply because the age is raised, but that is directly contradictory to the beverage law and practices in most of the states where it is the usual rule that to prepare or serve alcoholic beverages one must be of the legal age.

6. Legitimate businesses such as restaurants and lounges will suffer substantial damage if a part of their present clientele is made illegal. Those depending heavily on such trade,as in a college town, may be bankrupted. If the law has no real safety effect and if it will merely change the place of sale to package and convenience stores, is it necessary or fair to damage these businesses?

7. Alcohol related wrecks are overwhelmingly the fault of men regardless of age (87% in one study). Raising the age for women is blatant discrimination. Why should 19 year old women who are involved only 13% of the time have their rights abrogated while 24 year old men who are guilty 87% of the time have their rights preserved?

8. Presently 31 states and the District of Columbia permit consumption of some form of alcoholic beverage under age 21. (There are 4 states at 18;10 at 19; 4 at 20; and 9 and D.C. with mixed ages.) In 3 states the age for all beverages is 21. In spite of all the pressure and emotional publicity for raising the age to 21, thirty states and the District of Columbia have refused to pass such legislation.

9. In most states the major rights of adult citizenship vest at age 18. Young people of that age are deemed mature enough to vote, to marry, to contract, to sit on a jury, to have an abortion, to be a policeman, etc. Citizens of that age serve in our armed forces. If a young man and woman can be jurors in a capital case to determine if an accused lives or dies, are they not old enough to have a drink? If a 19 year old policeman is trusted with the use of lethal force, that is to shoot a suspect if in his judgment it is necessary, doesn't he have enough judgment to be trusted with an alcoholic beverage? If a young soldier is old enough to die for his country, isn't he old enough to buy a beer? To raise the drinking age to 21 while 18 is the age of adulthood is indefensible. The injustice and hypocrisy of the law will be apparent and it will be scorned by young citizens who won't obey it any more than their grandparents obeyed prohibition.

Senator HAWKINS. Thank you, Mr. Snow.

Dr. Chafetz, the President's Commission on Drunk Driving studied this problem for 1½ years and in its final report to the President identified a uniform 21-year-old drinking age as the most effective single measure to permanently reduce drunk driving fatalities.

Why do you disagree with that?

Dr. CHAFETZ. In all candor, Madam Chairman, I was not present. I was being interviewed by one of the papers, and so I never participated in the discussion. I do not recall that it was considered the single greatest measure, and if it has been so stated I missed the point and I cannot answer it for you because I do not believe it is the single biggest measure.

I think it is one of many possibilities, but not the single greatest measure. My own feeling, as the chairman of the Education and Prevention Committee, is that the educational process of making the individuals who are around the drinker—if I may, Senator, we have to remember that most of our information and education programs are directed to the drinker alone.

And I am not absolving drinkers who abuse alcohol, but I recognize the physiological fact of alcohol. When you take in enough alcohol, the first things to go are recently learned information and recently developed logic and resolve.

So, therefore, we are, in a sense, informing those people who are least likely to be able to use that information when they have had too much to drink. And the responsibility really lies in those of us who sell and serve alcohol, whether it is in a commercial establishment or in our homes.

And we have to spread the responsibility because we have studied other nations where getting drunk is socially unacceptable, whereas, as you know, in this country it is equated with the social use of alcohol for those who choose to drink.

Senator HAWKINS. Thank you.

Celeste, some have suggested that stricter penalties, such as mandatory lifetime loss of your license or making drunk driving traffic fatalities a capital offense for individuals of all ages involved in drunk driving accidents, would be more effective in combating the problem of drunk driving. How do you feel about that?

Ms. BERGMAN. I feel that any solution that deals with the population as a whole is a better solution than one that just deals with 2 years or 3 years of the population. We would like to see more people affected by any law—more people helped.

I think that also I may be a little severe—I really could not make a judgment, you know, to make alcohol abuse a capital case. I know, though, the Mothers Against Drunk Driving—why they feel that way. My mother was killed in an automobile accident related to drunk driving, but by a 30-year-old man.

I would like to see something done that is going to save other people's mothers' lives because I know how these women must feel to lose a child. And I mean this in the kindest way: Maybe you can have another child, but you can never have another mother. And I would like to see something done that will save everybody's lives, so maybe legislation such as that would help.

Senator HAWKINS. Thank you all for participating in this hearing. I think we have found there are many sides to this problem. We all know that teenage years are volatile years; that may be why we are concentrating on the teenagers. It can be a great time, a wondrous time, a time of discovery, a time of experimentation, and a time of personality development.

It can also be a time of rebellion, of succumbing to destructive peer pressure, and of making mistakes. I think we all have to work together, as has been pointed out here today, to ensure that mistakes are not tragic ones; that our children will live through and learn from their teenage years.

[Additional material supplied for the record follows:]

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Testimony for the Record by
The National PTA
and The New Jersey State PTA

On a Uniform Minimum Drinking Age

Submitted to

The Subcommittee on Alcoholism and Drug Abuse
of the Senate Committee on Labor and Human Resources

Mr. Chairman and Members of the Senate Subcommittee on Alcoholism and Drug Abuse, we wish to thank you for this opportunity to submit testimony on federal legislation to establish a uniform minimum drinking age of 21.

The National PTA is the nation's largest child advocacy organization. Our 5.4 million members have long been concerned about the tragedy caused by alcohol related accidents involving young people on our nation's roads and highways.

Both at the state and national levels, PTA members have been urging public officials to respond to this unnecessary carnage by passing laws and developing programs to combat drunk driving and alcohol abuse. We believe that a necessary component of these efforts is the establishment of a minimum drinking age of 21 years in every state in our nation.

PTA members across the country have adopted resolutions and joined with other concerned citizens in urging their legislators to raise the drinking age to 21. Moreover, the National PTA, in 1982, adopted a Position Statement (appended to this testimony) encouraging "the support of efforts in state legislatures to raise the age for the purchase of alcoholic beverages to 21." As you know, many states have responded to the tragic loss of life and injury caused by drinking and driving by raising the drinking age to 21. Unfortunately, too many states have not yet taken this step. The resulting lack of uniform laws has compounded the problem. When states that have passed a 21 drinking age border those with a lower drinking age, young people can drive across the state line to consume alcoholic beverages, thereby endangering their lives and those of others on the highways.

The National PTA believes that federal legislation must be enacted during this session of Congress that would result in a uniform minimum drinking age of 21 years throughout the country.

That is why, in 1984, our association amended its position to urge the U.S. Congress to pass legislation mandating "21" across the country. National PTA strongly supported passage in the House of H.R. 5383, and we urge the Senate to swiftly enact the Uniform Minimum Drinking Age Act, S. 2719, introduced by Senator Lautenberg.

Along with raising the drinking age, the PTA believes that other steps also must be taken to safequard the lives of our young people. These include: very tough drunk driving laws,

strict law enforcement and mandated alcohol education programs in our schools.

While such programs as mandatory alcohol education are required to produce longer term benefits, raising the drinking age to 21 brings immediate positive results. For example, the New Jersey State Legislature raised the legal drinking age to 21 effective January 1, 1983. During the short period since then, many young lives have been saved and drunk driving convictions of those in the 18-20 age group have dropped. Furthermore, according to the New Jersey Division of Motor Vehicles, the number of drunk driving convictions for 16 and 17-year-olds has shown a dramatic decrease--down 51 percent. This remarkable progress plus the reduction in the 18 to 20 year old fatal accident category have not been replicated in any other age group.

Traditionally the main thrust of support for raising the drinking age has been based upon the disproportionate number of alcohol related deaths and accidents among 18 to 20 year olds as well as among younger teens who may legally drive in most states and often join their older friends in illegal drinking and driving.

Often overlooked, however, are the problems of alcohol abuse in our schools and communities. Educators agree that when young people become involved with alcohol, whether on or off school premises, their ability to function is seriously jeopardized.

For example, the New Jersey PTA surveyed junior and senior high school principals twice during it's quest for a minimum

drinking age of "21". One question on their first survey asked: "Have you experienced any increase in alcohol related problems since we lowered the drinking age in 1973?" The response was an overwhelming "yes" from most respondents. The New Jersey legislature went ahead and raised the drinking age from 18 to 19 reasoning that it would get alcohol out of the schools. But the 19-year-old minimum drinking age did not bring about the desired results. Why? Overlooked was the strong peer relationship between 18 and 19-year-olds. Consequently 18-year-olds continued to be supplied with alcohol.

The second New Jersey PTA survey to the schools asked for the results of the 19-year old minimum drinking age. The unanimous reply of educators was: "Raise the age to 21 so we can get on with the education of our youth."

During the debate in New Jersey to raise the drinking age to 21, the Commissioner of Education sent a letter to every member of the state legislature, which said in part: "Traffic fatalities are not the only problem area related to the consumption of alcohol among our youth. As Commissioner of Education, I am especially concerned about alcohol related violence, vandalism, absenteeism, truancy and improper behavior by school age youth. Action by this legislature to increase the drinking age to 21 would substantially reduce the number of legal, and by peer group association illegal, school age drinkers in this state. The impact of these problems on individual youths, their families and their education are at a high cost to New Jersey."

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This statement convinced several reluctant state legislators. The National PTA hopes it will be an additional deciding factor during the Senate deliberations on federal legislation to raise the drinking age to 21. Moreover, in recent years, it has become apparent that there is a connection between alcohol consumption and teenage suicides, drowning, pregnancy, and crime.

The PTA would like to respond to some of the often heard arguments presented by opponents of a minimum drinking age of 21:

First, "if they are old enough to go to war they are old enough to drink." During the major wars, World War II, the Korean conflict and Vietnam, the drinking age was 21 in most states. Just recently, according to General John Wickham of the U.S. army, Happy Hours featuring bargain drinks, half price and two-for-ones, have been banned at U.S. Army service clubs around the world by the army's top general. All the services have indicated concern over excessive imbibing and the potential damage such abuses can bring to military readiness.

Secondly, there are other benefits of adulthood that young people do not receive at age 18, and there are numerous instances where the courts have recognized the differential treatment of citizens, based on their age. For example:

-One may qualify for a driver's license at 16.

-Making wills, signing contracts and voting is okay at 18.

-Payments for Aid to Dependent Children may be ordered to continue until age 21.

-Social Security payments for children can continue until age 22.

-To serve in the U.S. Congress, one must be 25.

-To run for Governor or the U.S. Senate, one must be at least 30.

-No one can run for President of the U.S. before the age of 35.

Another argument is often presented that "if you're old enough to vote, you're old enough to drink." But voting for the wrong candidate has rarely been fatal--drinking and driving often is.

During the drinking-age debate in New Jersey, liquor factions placed ads in major newspapers of the state, and college students organized against raising the drinking age. But arguments from both groups were dismissed by members of the Legislature as self-serving. We offer this observation: While it is true there may be financial loss for those in the alcohol industry, the National PTA believes that the loss of lives is far more significant. On balance, saving lives must prevail over financial gain to special interests.

Regarding students who oppose raising the drinking age, we wish to emphasize that we do not indict young people as irresponsible. The mind altering properties of alcohol causes our concern--we consider our fight for their lives to be a "gift of life and, yes, of "love" to our children.

Finally, the National PTA commends those states that have taken the responsible initiative to raise the drinking age to 21. But we are losing far too many lives as we wait for other states to follow suit. The National PTA calls on the Congress to save the lives of young Americans and pass the Uniform Minimum Drinking Age Act.

Thank you for this opportunity to express the concern of millions of parents across the country.

TESTIMONY OF
RONALD A. SARASIN
DIRECTOR OF GOVERNMENT RELATIONS
NATIONAL RESTAURANT ASSOCIATION

Good Morning. I am Ronald A. Sarasin, Director of Government Relations for the National Restaurant Association. I would like to introduce you to the National Restaurant Association's campaign against drunk driving. Briefly, let me tell you a bit about the Association and the restaurant industry.

The National Restaurant Association is the leading trade association for the foodservice industry, and represents over 100,000 foodservice establishments, from upscale tableservice restaurants to fast food operations to bars and taverns.

The restaurant industry is the largest service industry in the nation. Its sales make up five percent of the U.S. Gross National Product, and equalled 144 billion dollars in 1983. Ninety-four percent of all eating and drinking places are small businesses with annual sales under $500,000, and 85 percent are single unit operations.

Some eight million persons are employed by the foodservice industry, making it the nation's largest retail employer. A majority of those employees are women, and half of all foodservice

managerial and administrative personnel are women. In addition, the foodservice industry employs more minority managers than any other industry.

Clearly, restaurants and other foodservice operations are an integral and important part of our nation's economy.

Restaurateurs, like all Americans, are concerned about the high incidence of drunk driving in this country. The Congress, the federal agencies, and a variety of influential citizen groups are supporting what amounts to a national campaign to keep alcohol impaired people off the road. Foodservice operators all over this country are ready to do their part in this campaign.

Drunk driving is a broad social problem which extends far beyond the foodservice industry. We believe it will be resolved only through broad-based consumer education. According to the report of the President's Commission on Drunk Driving, "Long term education and prevention efforts, with private sector involvement, are particularly key to our success in combating drunk driving."

Correspondingly, we do not support proposals to raise the minimum purchasing age, since we believe it to be an ineffective method for solving the problem of alcohol-related traffic fatalities. I would like to submit for the record a summary of the

research findings which have led us to this conclusion. In part, they show that most research published to date is based on faulty premises such as assuming a direct cause and effect relationship between drinking age and crashes without taking into account other variables, and covering only short time periods which are inadequate for determining whether changes occuring after a lowering or raising of the drinking age are indicative of long-term effects.

In addition, many individuals including Members of Congress have been emotionally influenced by these well-intentioned but misleading citations of statistics, and have failed to recognize the experiences of states like Maine and Florida, where increases in the drinking age have resulted in no decrease in alcohol-related crashes involving youths, and have even resulted in an <u>increase</u> in such deaths.

The great majority of Americans must be convinced that driving under the influence of alcohol is a serious offense against society. When they are, the number of alcohol-related accidents will drop markedly. Meanwhile, there are many things individual foodservice operators can do the help achieve this national goal.

The National Restaurant Association's Alcohol Awareness Program has three parts. It first addresses the need for public education. The Association is committed to working with other national

organizations such as Mothers Against Drunk Drivers (MADD), Students Against Driving Drunk (SADD), and the Licensed Beverage Information Council (LBIC) on long-range consumer education.

We are producing a public service announcement to be aired on TV and radio. We hope to release it by mid-summer. We are also producing posters and table tents which foodservice operators can use to communicate the dangers of drunk driving to their customers.

The other two parts of the program concern restaurant operations. The Association has developed a seminar on prudent alcohol service. It is a one-day course which trains managers to teach bartenders and servers about the physical effects of alcohol, the visible signs of overconsumption and methods of preventing intoxication. This seminar will be offered throughout the country by the National Restaurant Association and the various state restaurant associations.

Our objective is to make this seminar available in every region of the country where a similar program is not yet in place. We will urge every foodservice operation which serves alcoholic beverages to participate in this course or a course like it.

The third part of the program involves practices within the foodservice outlet. A resolution passed by our Board of Directors calls for introduction of the following practices:

1. Establishment of alternative transportation programs,
2. establishment of designated driver programs,
3. the serving of appropriate food at the bar as a deterrent to intoxication, and
4. proper checking of guest identification.

At the same time, we are discouraging practices which may be perceived as fostering overconsumption of alcoholic beverages. In particular, we are discouraging "all-you-can-drink" offers, "two-for-one" offers, multiple drinks at cut-off time and unlimited free drinks.

In a nutshell, the National Restaurant Association is urging its members -- if they have not already done so -- to develop merchandising programs for alcoholic beverage service which are in line with the goal of reducing drunk driving.

Mr. Chairman, the brochure we have provided to you and Members of the Subcommittee will introduce our program to the restaurant industry. This brochure will be mailed with sample posters and

table tents to our membership. It is a "how-to" brochure. It contains suggestions for setting up alternative transportation and designated driver programs. It talks about the introduction of bar foods and gives detailed examples of bar promotions which do not involve drink discounting. We believe it will do much to help our members implement the resolutions I have just been describing.

This, then, is the National Restaurant Association's three-part program aimed at reducing drunk driving. No action on the part of foodservice operators alone can resolve this problem. Restaurants and taverns dispense only one quarter of the alcoholic beverages consumed in the United States. But we believe that if all the relevant segments of the business community and all those people who believe as we do in the moderate dispensation of alcohol take similar responsible actions, alcohol related accidents and fatalities will be reduced immeasurably. We don't believe you can achieve this end by raising the drinking age. Drunk driving is a social problem and it will be resolved when our society decides to act together to irradicate the problem. The most positive action that can be taken to bring about this end is broad scale education.

I will be glad to take any questions.

NATIONAL RESTAURANT ASSOCIATION

RESEARCH FINDINGS

Research has not consistently demonstrated that changing the drinking age has a significant effect on alcohol related traffic crashes and fatalities.

Data on alcohol related fatalities are not adequate to analyze the effect of changing the drinking age. "At the present time, available alcohol related statistics are very limited in nature and do not convey any more information than the correct conclusion that alcohol plays a very significant part in the occurrence of fatal accidents. The limited information available on differences among driver classes in the use of alcohol comes from local studies and does not identify problems at a level of detail necessary for the design of effective countermeasures." Alcohol in Fatal Accidents, DOT, 1983.

Current research does not show a cause and effect relationship between drinking age and alcohol realted crashes. In many instances, research published to date is based on empirically faulty premises as it:

1. assumes a direct cause and effect relationship between drinking age and crashes without taking other variables into consideration

2. fails to investigate annual changes in highway crashes or fatalities for a long enough time period to determine whether those occuring after the drinking age has been lowered/raised are with the normal range

3. investigates number of crashes or drivers involved in fatal accidents rather than accident or fatality rates which would correct for changes in the number of licensed drivers as well as changes in the number of miles driven

4. covers, of necessity, relatively short post-law change time periods and assumes continuing long-term effects

"The Effect of Raising the Legal Minimum Drinking Age on Fatal Crash Involvement," Williams, et. al., 1981, a nine state study concludes that "on average a state that raises its drinking age can expect about a 28 percent reduction in nighttime fatal crash involvement among drivers the law change applies to." Net change ranged from -75 percent in New Hampshire to +14 percent in Montana. This represents an enormous range from which to generalize.

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"Traffic Accidents and the Legal drinking Age in Wisconsin: A Second Opinion," Birkley, et.al., 1983, reviews data from Maine, Michigan, Montana, Massachusetts, New Hampshire, Tennessee and Illinois, seven of the states in Williams' study. Birkley concludes that "these analyses reveal no consistent or predictable pattern of changing highway crash involvement attributable to raising the age."

Williams assumes a direct cause and effect relationship between drinking age and crash involvement. No other variables are examined. Variables such as changes in gasoline prices, miles driven, changes in DWI enforcement and increased public education could well have had a strong impact on teenage fatalities in specific states. Presumably, due to a lack of sufficient BAC level data for the states studied, Williams' research includes all fatalities during a specific time period rather than alcohol related fatalities. Again, this suggests that a number of variables must be weighed before it is concluded that changing the drinking age has a significant impact on fatalities.

In addition, no analysis was done pertaining to changes in fatalities during other years when no drinking age change was legislated. Evidence from other studies suggests that there are vast year-to-year percent changes in number of fatalities that have nothing to do with changing the drinking age. (See Zylman below.)

"Lowering the Drinking Age Increases the Problems Related to Alcohol: Where is the Evidence?" Zylman, 1984 discusses frequently cited data from Michigan. Zylman notes that the 24 percent increase in teenage crash involvement occurring when the Michigan drinking age was lowered "represents a normal year-to-year fluctuation which could very easily have occurred even without a change in the legal drinking age." He further notes that "from the data available it must be concluded that what first seemed to be a rapidly worsening problem appears, instead to reflect a change in police reporting practices, and the actual increases in traffic deaths reflected a normal year-to-year change."

Dr. Margaret L. Clay, Professor Emeritus, University of Michigan critiqued another frequently cited study in support of raising the drinking age, "An Evaluation of the Changes in the Legal Drinking Ages in Michigan," Wagenaar, et. al., 1980. She concludes that they have generalized statistical findings from research in progress beyond the limits of their sample and the conditions under study. "This study provides neither the level of validity nor of understanding of the underlying dynamics responsible for the large number of alcohol related crashes among 16 to 24 year olds which would justify differentially imposing legal prohibition of all drinking behavior on the 18 to 20 year old subset of otherwise legal adults. Public policy makers should proceed very cautiously in using conclusions from such tentative research findings to make important social policy decisions which not only do not solve the problem addressed but have potential for creating new problems."

Data from the Fatal Accident Reporting System, DOT, 1983, also suggest that establishing a 21 year-old drinking age does not address the real problem of alcohol related fatalities.

Overall teenagers are less likely than individuals in their twenties and thirties to be involved in alcohol related fatal accidents.

Women are much less likely than men to be involved in alcohol related fatal accidents. Thus, raising the drinking age would penalize young women who make up at least half of the total teenage population.

Young male drivers, less than 25 years of age, are generally assumed to be the group that creates the majority of drunk driving problems. However, Alcohol in Fatal Accidents, National Estimates, U.S.A., DOT, January 1983 states "young male drivers, less than 25 years of age, are not more likely to be intoxicated than the remaining drivers. Their over-involvement in fatal accidents is more likely due to abnormal exposure to high risk travel during periods of greater alcohol use. There is no indication that at any specific time this group of drivers has a greater proportion of drivers involved in fatal accidents who are intoxicated."

These data suggest that the DWI problem would be better handled with a combination of stricter enforcement, penalities and education rather than with an arbitrary decision to penalize a group of the population based on age.

ALTERNATIVE POLICY CHANGES

Alternative policy changes such as increased enforcement of DWI laws and stiffer penalities, coupled with increased public education are appropriate and effective ways of curbing drunk driving.

"The Effects of Government Regulation on Teenage Motor Vehicle Mortality," McCornac, 1982, investigates the impact of a number of policy manipulable variables on motor vehicle mortality rates of white males, 15-24. It concludes that "The implementation of a nationally mandated minimum purchasing age of 21 could significantly reduce the number of teenage motor vehicle mortalities. However, before such policy decisions are made the significant role of the highway variables as well as the unexpected results of many of the availability variables must be considered. Alternative policy changes such as increased enforcement of drunk driving, stiffer penalities for driving under the influence of alcohol, or a change in factors that affect the availability of alcohol (other than minimum purchase age) may achieve the desired results."

A number of other studies confirm that changing the drinking age does not prevent teens from drinking.

"Preventing Highway Crashes by Raising the Legal Minimum Age for Drinking," Wagenaar, 1982, states that "while it is generally assumed that higher legal drinking age results in less alcohol consumed by youth, aggregate analyses to date have revealed no consistent relationship."

In addition, research finds no statistically significant change in alcoholic beverage sales when the drinking age is raised or lowered.

Researchers have found that when teenagers are denied the opportunity to drink in licensed, supervised establishments they do not stop drinking. Instead, they drink in unsupervised surroundings such as parking lots or while riding around in their cars.

Research findings suggest that "the closer the legal drinking age is to the effective drinking age the more likely it is that drinking will occur in supervised settings, and the lower the risk of excessive consumption and alcohol related crashes, crimes and disturbances will be. Conversely, the higher the legal drinking age is relative to the effective drinking age, the greater the risks will be among underage drinkers."

These findings strongly suggest that alternative policy changes which do not arbitrarily penalize a portion of the population based on age will be more effective in curbing alcohol related crashes and fatalities.

Senator Hawkins. I thank all of you for appearing before this subcommittee, for your expertise, for your statistics, and mostly for your concern on this most vital issue involving the survival of our children.

[Whereupon, at 11:04 a.m., the subcommittee was adjourned.]

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